

مصنف ابن أبي شيبة

Musannaf Ibn Abi Shaybah

VOLUME [22]

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Note

Muṣannaf Ibni Abī Shaybah—formally titled “al-Kitāb al-Muṣannaf fī al-Āḥādīth wa al-Āthār”—stands among the greatest monuments of early Islamic scholarship. Compiled by the eminent ḥadīth expert and great Imam Abū Bakr ‘Abdullāh ibn Muḥammad ibn Ibrāhīm ibn ‘Uthmān al-‘Absī, widely known as Ibni Abī Shaybah (159–235 AH), this expansive work preserves the intellectual, legal, devotional, and spiritual heritage of the first centuries of Islam. A teacher of al-Bukhārī, Muslim, and the leading imams of his generation, Ibni Abī Shaybah authored a collection that has served for over a millennium as a foundational reference for jurists, muḥaddithūn, historians, and researchers.

This edition contains 37,943 narrations, spanning Prophetic ḥadīth, Companion reports (mawqūf), and Successor traditions (maqtū'). The work is arranged topically, covering all major areas of Islamic practice—prayer, purification, ethics, commerce, society, governance, jihad, and thousands of detailed jurisprudential issues. Its scope reflects not only the Sunnah of the Prophet ﷺ but also the early legal culture of Kūfa, the opinions of leading Companions, and the interpretive frameworks of the first generations.

Many rare narrations preserved here do not appear in other major collections, making this Muṣannaf an indispensable source for reconstructing early Islamic thought. The edition most widely used today is the seven-volume Maktabat al-Rushd (Riyadh) publication, edited by Sheikh Kamāl Yūsuf al-Ḥūt, based on verified manuscripts and aligned with the printed arrangement. Digital access to the full text is also available at: <https://ketabonline.com/ar/books/6996> For contemporary students and researchers, Muṣannaf Ibni Abī Shaybah offers far more than a repository of narrations.

It grants direct access to the living intellectual world of the 2nd and 3rd Islamic centuries—the debates of jurists, the devotional practices of the righteous, the understandings of the Companions, and the transmission networks that shaped Sunni orthodoxy. Its vast content provides context for the development of fiqh schools, sheds light on doctrinal issues, and helps preserve countless early traditions that might otherwise have been lost. This work before you has been carefully cleaned, structured, and standardized into a modern digital format, enabling readers to navigate all 37,943 reports with ease.

May it serve as a valuable tool for scholars, students, and seekers of sacred knowledge, continuing the legacy of one of Islam's earliest and most prolific hadith masters.

[21001] Abu Bakr said: 'Abbād ibn al-'Awwām told us from 'Umar ibn 'Āmir, from Qatādah, from Sa'īd ibn al-Musayyib regarding a man who gives charity and then inherits it. He said: "If the Book of Allah returns it to him, then there is no harm in it." He said: And Qatādah said: "Ibn Mas'ūd used to say that."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ عُمَرَ بْنِ عَامِرٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ فِي الرَّجُلِ يَنْصَدِقُ بِالصَّدَقَةِ، ثُمَّ يَرِثُهَا، قَالَ: إِذَا رَدَّهَا إِلَيْهِ كِتَابُ اللَّهِ، فَلَا بَأْسَ بِهَا. قَالَ: وَقَالَ قَتَادَةُ: كَانَ ابْنُ مَسْعُودٍ يَقُولُ ذَلِكَ

[21002] Abu Bakr said: Hushaym told us from Mughīrah, from Ibrāhīm, that he used to say regarding charity if he inherits it: "He should put it in the same cause for which it was originally given."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، أَنَّهُ كَانَ يَقُولُ فِي الصَّدَقَةِ إِذَا وَرَثَهَا: يَجْعَلُهَا فِي مِثْلِ الْوَجْهِ الَّذِي كَانَ فِيهِ

[21003] Hushaym reported from Al-'Awwām, from Ibrāhīm al-Taymī, similar to that.

حَدَّثَنَا هُشَيْمٌ، عَنْ الْعَوَامِ، عَنْ إِبْرَاهِيمَ التَّيَمِّيِّ، مِثْلُ ذَلِكَ

[21004] Abu Bakr said: Hishām told us from Ḥuṣayn, from Al-Sha'bī, from Shurayḥ, that he used to see no harm in eating from it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هِشَامٌ، عَنْ حُصَيْنٍ، عَنْ الشَّعْبِيِّ، عَنْ شُرَيْحٍ، أَنَّهُ كَانَ لَا يَرَى بَأْسًا أَنْ يَأْكُلَهَا

[21005] Abu Bakr said: Hushaym told us from Yūnus, from Al-Ḥasan that he used to see no harm in eating from it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ يُونُسَ، عَنِ الْحَسَنِ أَنَّهُ كَانَ لَا يَرَى بَأْسًا أَنْ يَأْكُلَهَا

[21006] Abu Bakr said: Hushaym told us from Sayyār, from Al-Sha'bī, who said: "Eat, for Allah would not feed you what is unlawful."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ سَيَّارٍ، عَنِ الشَّعْبِيِّ، قَالَ: كُلُّ مَا رَأَى اللَّهُ لَمْ يَكُنْ لِيُطْعَمَكَ حَرَامًا

[21007] Abu Bakr said: Hushaym told us from Dāwūd, from 'Āmir, from Masrūq, who said: "Whatever the shares of inheritance return to you is lawful for you."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ دَاؤِدَ، عَنْ عَامِرٍ، عَنْ مَسْرُوقٍ، قَالَ: مَا رَدَ عَلَيْكَ سِهَامُ الْفَرَائِضِ فَهُوَ لَكَ حَلَالٌ

[21008] Abu Bakr said: Yazīd ibn Hārūn told us from Al-'Awwām, from Ibrāhīm al-Taymī, that 'Umar used to think that if it was a charity and it was rightfully returned to him, he should direct it to a similar cause as it was originally.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنِ الْعَوَامِ، عَنْ إِبْرَاهِيمَ التَّيْمِيِّ، أَنَّ عُمَرَ كَانَ إِذَا كَانَتْ صَدَقَةً فَرَدَهَا عَلَيْهِ حَقٌّ، يَرَى أَنْ يُوجِّهَهَا فِي مِثْلِ مَا كَانَتْ فِيهِ

[21009] Abu Bakr said: Yazīd ibn al-'Awwām told us from 'Ikrimah, from Ibn 'Abbās, who said: "If it is rightfully returned to him, there is no harm."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ الْعَوَامِ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: إِذَا رَدَهَا إِلَيْهِ حَقٌّ فَلَا بَأْسَ

[21010] Abu Bakr said: Waki' told us from Ibn Abi Laylā, from Al-Sha'bī regarding a man who gives charity and then inherits it. He said: "The shares [of inheritance] do not return it except as lawful."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ ابْنِ أَبِي لَيْلَى،
عَنِ الشَّعْبِيِّ، فِي الرَّجُلِ يَتَصَدَّقُ بِالصَّدَقَةِ، ثُمَّ يَرْثِي هَا
قَالَ: إِنَّ السَّهَامَ لَمْ تَرُدَّهَا إِلَّا حَلَالًا

[21011] Abu Bakr said: 'Abdullāh ibn Numayr told us from 'Abd al-Malik, from 'Aṭā' regarding a man who gives charity and then it returns to him in inheritance. He said: "He should take it from the share of someone else."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ نُمَيْرٍ، عَنْ عَبْدِ
الْمَلِكِ، عَنْ عَطَاءٍ فِي الرَّجُلِ يَتَصَدَّقُ بِالصَّدَقَةِ، ثُمَّ
تَرْجَعُ إِلَيْهِ فِي الْمِيرَاثِ، قَالَ: يَجْعَلُهَا مِنْ حِصَةِ غَيْرِهِ

[21012] Abu Bakr said: Waki' told us from Muwarri', who said: I asked Al-Sha'bī about it, and he said: "If he takes it, there is no harm, but if he lets it continue, it is better."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مُورَّعٍ، قَالَ:
سَأَلْتُ الشَّعْبِيَّ عَنْهَا، فَقَالَ: إِنْ أَخْذَهَا فَلَا بَأْسَ، وَإِنْ
أَمْضَاهَا أَفْضَلُ

[21013] Abu Bakr said: Waki' told us from Shu'bah, from Ḥammād, from Ibrāhīm, who said: "He should put it in a similar [cause]."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ حَمَادٍ،
عَنْ إِبْرَاهِيمَ، قَالَ: يَجْعَلُهَا فِي مِثْلِهَا

[21014] Abu Bakr said: Ibn 'Ulāyyah told us from Sulaymān al-Taymī, from Abū 'Uthmān, who said: 'Umar said: "The Sā'ibah and charity are for their day."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ سُلَيْمَانَ التَّيَّمِيِّ، عَنْ أَبِي عُثْمَانَ، قَالَ: قَالَ عُمَرُ: السَّائِبَةُ وَالصَّدَقَةُ لِيَوْمِهِمَا

[21015] 'Abdullāh ibn Yūnus informed us: Abū 'Abd al-Rahmān Baqī ibn Makhlad told us: Abū Bakr 'Abdullāh ibn Muḥammad ibn Abī Shaybah told us: 'Alī ibn Mushir told us from Al-Shaybānī, from Muḥammad ibn Zayd, from Ibn 'Umar regarding a man who lends dirhams to another man and then takes food equivalent to their value, that he disliked it.

حَدَّثَنَا أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ يُونُسَ قَالَ: حَدَّثَنَا أَبُو عَبْدِ الرَّحْمَنِ بَقِيُّ بْنُ مَخْلُدٍ قَالَ: نَأَبُو بَكْرٍ عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ بْنِ أَبِي شَيْبَةَ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، عَنْ مُحَمَّدٍ بْنِ زَيْدٍ، عَنْ ابْنِ عُمَرَ: فِي الرَّجُلِ يُفْرِضُ الرَّجُلُ الدَّرْهَمَ ثُمَّ يَأْخُذُ بِقِيمَتِهِ طَعَاماً، إِنَّهُ كَرِهَهُ

[21016] Abu Bakr said: 'Alī ibn Mushir told us from Al-Shaybānī, from Sa'īd ibn Jubayr, and Ḥammād, from 'Ikrimah, who said: "They used to see harm in that."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، وَحَمَادٍ، عَنْ عَكْرَمَةَ، قَالَ: كَانُوا يَرَوْنَ بِذَلِكَ بَأْسًا

[21017] Abu Bakr said: Mu'tamir ibn Sulaymān told us from Layth, from Ṭāwūs, who said: "If the origin of the right is a debt, then do not take from him except what you sold to him for. But if it is a loan, it does not harm you to take other than what you lent him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ لَيْثٍ، عَنْ طَاؤِسٍ، قَالَ: إِذَا كَانَ أَصْلُ الْحَقِّ دَيْنًا، فَلَا تَأْخُذْ مِنْهُ إِلَّا مَا بِعْتُهُ بِهِ، فَإِنْ كَانَ قَرْضًا، فَلَا يَضُرُّكَ أَنْ تَأْخُذَ غَيْرَ مَا أَفْرَضْتُهُ

[21018] Abu Bakr said: Jarīr told us from Mughīrah, from Ibrāhīm, who said: There is no harm if a man owes another man a dirham, and he comes to demand it, and [the debtor] says: Take barley or wheat or dates or something other than gold for your right. He said: "If his dirhams were a loan, he may take whatever he wishes for them."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا بَأْسَ إِذَا كَانَ لِلرَّجُلِ عَلَى الرَّجُلِ الدَّرْهُمُ، فَإِنَّهُ فَتَقَاضَاهُ فَقَالَ: خُذْ بِحَقِّكَ شَعِيرًا أَوْ حِنْطَةً أَوْ ثَمَرًا أَوْ شَيْئًا غَيْرَ الدَّهَبِ، قَالَ: إِذَا كَانَتْ دَرَاهِمُهُ قَرْضًا، فَإِنَّهُ يَأْخُذُ بِهَا مَا شَاءَ

[21019] Abu Bakr said: Yahyā ibn Sa'īd al-Qaṭṭān told us from Ibn Harmalah, who said: I sold roots for dirhams until the harvest. When it was due, they paid me in wheat, barley, and sult (a type of barley). I asked Sa'īd ibn al-Musayyib, and he said: "It is not proper; do not take anything except dirhams."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدِ الْقَطَّانِ، عَنْ ابْنِ حَرْمَلَةَ، قَالَ: بَعُثْتُ جُدُورًا بِدَرَاهِمٍ إِلَى الْحَصَادِ، فَلَمَّا حَلَّ قَضَوْنِي الْحِنْطَةُ، وَالشَّعِيرُ، وَالسُّلْتُ، فَسَأَلْتُ سَعِيدَ بْنَ الْمُسَيَّبَ، فَقَالَ: لَا يَصْلُحُ، لَا تَأْخُذْ إِلَّا الدَّرَاهِمَ

[21020] Abu Bakr said: Muḥammad ibn Maysarah told us from Ibn Jurayj, from Abū al-Zubayr, from Jābir, who said: "If a man has a debt owed by another man, there is no harm in him buying a cheap slave from him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ مَيْسَرَةَ، عَنِ ابْنِ جُرَيْجِ، عَنْ أَبِي الرَّبِّيرِ، عَنْ جَابِرٍ، قَالَ: إِذَا كَانَ لِلرَّجُلِ عَلَى الرَّجُلِ الدَّيْنُ، فَلَا بَأْسَ أَنْ يَشْتَرِي مِنْهُ عَبْدًا رَّخيْصًا

[21021] Abu Bakr said: Ḥafṣ ibn Ghiyāth told us from 'Ubaydullāh ibn 'Abd al-Rahmān ibn Mawhab, from Ḥafṣ ibn al-Mu'tamir, from his father, that 'Alī said: "There is no harm in giving money in Medina and taking it in Africa."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ مَوْهَبٍ، عَنْ حَفْصِ بْنِ الْمُعْتَمِرِ، عَنْ أَبِيهِ، أَنَّ عَلَيًّا، قَالَ: لَا بَأْسَ أَنْ يُعْطِي الْمَالَ بِالْمَدِينَةِ وَيَأْخُذَ بِإِفْرِيقِيَّةَ

[21022] Abu Bakr said: 'Īsā ibn Yūnus told us from 'Ubaydullāh ibn 'Abd al-Rahmān ibn Mawhab, from Ḥafṣ ibn al-Mu'tamir, from his father, from 'Alī, similarly.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ مَوْهَبٍ، عَنْ حَفْصِ بْنِ الْمُعْتَمِرِ، عَنْ أَبِيهِ، عَنْ عَلَيٍّ، بِنَحْوِهِ

[21023] Abu Bakr said: Ḥafṣ told us from Ḥajjāj, from 'Atā', from Ibn 'Abbās and Ibn al-Zubayr, that they used to see no harm in taking money in the land of Hijaz and giving it in the land of Iraq, or taking it in the land of Iraq and giving it in the land of Hijaz.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ حَاجَاجٍ، عَنْ عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ، وَابْنِ الرُّبَّيْرِ أَنَّهُمَا كَانَا لَا يَرَيَانَ بِأَسَانِ أَنْ يُؤْخَذَ الْمَالُ بِأَرْضِ الْحِجَازِ، وَيُعْطَى بِأَرْضِ الْعَرَاقِ أَوْ يُؤْخَذَ بِأَرْضِ الْعَرَاقِ، وَيُعْطَى بِأَرْضِ الْحِجَازِ

[21024] Abu Bakr said: Ḥafṣ told us from Ḥajjāj, from Abū Miskīn and Khārijah, from someone who told him, from Al-Ḥasan ibn 'Alī, that he used to take money in Hijaz and give it in Iraq, or in Iraq and give it in Hijaz.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ حَاجَاجٍ، عَنْ أَبِي مِسْكِينٍ، وَخَارِجَةً، عَمْنَ حَدَّثَهُ، عَنِ الْحَسَنِ بْنِ عَلَيٍّ، أَنَّهُ كَانَ يَأْخُذُ الْمَالَ بِالْحِجَازِ وَيُعْطِيهِ بِالْعَرَاقِ، أَوْ بِالْعَرَاقِ وَيُعْطِيهِ بِالْحِجَازِ

[21025] Abu Bakr said: Ḥafṣ told us from Ḥajjāj, who said: 'Abd al-Rahmān ibn al-Aswad used to take dirhams in Hijaz and give them in Iraq.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ حَاجَاجٍ، قَالَ: كَانَ عَبْدُ الرَّحْمَنِ بْنُ الْأَسْوَدَ، يَأْخُذُ الدِّرْهَمَ بِالْحِجَازِ وَيُعْطِيهِ بِالْعَرَاقِ

[21026] Abu Bakr said: Ibn 'Ulayyah told us from Ibn 'Awn, from Muḥammad, that he used to see no harm in paying dirhams in Basra and taking them in Kufa.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ ابْنِ عَوْنَ، عَنْ مُحَمَّدٍ، أَنَّهُ كَانَ لَا يَرَى بِأَسَانِ أَنْ يَدْفَعَ الدِّرْهَمَ بِالْبَصَرَةِ، وَيَأْخُذُهَا بِالْكُوفَةِ

[21027] Abu Bakr said: Wakī' told us from Ibn 'Awn, from Muḥammad, who said: "There is no harm in Suftajah (a bill of exchange)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ ابْنِ عَوْنِ، عَنْ مُحَمَّدٍ، قَالَ: لَا بَأْسَ بِالسَّفْجَةِ

[21028] Abu Bakr said: Wakī' told us from Abū 'Umayyis, from Yazīd ibn Ja'dubah, from 'Ubayd ibn al-Sabbāq, from Zaynab al-Thaqafiyah, the wife of 'Abdullāh, that the Prophet ﷺ gave her the harvest of fifty Wasqs of dates and twenty Wasqs of barley. 'Āsim ibn 'Adī said to her: If you wish, I will pay you here in Medina and you pay it in Khaybar. She said: Until I ask the Commander of the Faithful, 'Umar. So she asked him, and he said: "And what about the guarantee?"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ أَبِي عُمَيْسٍ، عَنْ يَزِيدَ بْنِ جُعْدَبَةَ، عَنْ عَبْدِ اللَّهِ بْنِ السَّبَّاقِ، عَنْ رَبِيعَ الْقَوْيِيَّةِ، أَمْرَأَةَ عَبْدِ اللَّهِ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَغْطَاهَا جُذَادًا خَمْسِينَ وَسِقَّا ثَمَرًا وَعَشْرِينَ وَسِقَّا شَعِيرًا. فَقَالَ لَهَا عَاصِمُ بْنُ عَدِيٍّ: إِنْ شِئْتَ وَفَيْتُكِيهَا هُنَّا بِالْمَدِينَةِ وَتُوفِّيهَا بِخَيْبَرَ، فَقَالَتْ: حَتَّى أَسْأَلَ أَمِيرَ الْمُؤْمِنِينَ عُمَرَ، فَسَأَلَهُ، فَقَالَ: وَكَيْفَ بِالضَّمَانِ؟

[21029] Abu Bakr said: Wakī' told us from Ibn Jurayj, from 'Atā', that Ibn al-Zubayr used to give merchants money here and take it from them in another land. I mentioned or it was mentioned to Ibn 'Abbās, and he said: "There is no harm as long as he does not stipulate it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءً، أَنَّ ابْنَ الْزُّبَيْرَ، كَانَ يُعْطِي النَّجَارَ الْمَالَ هَهُنَا، وَيَأْخُذُ مِنْهُمْ بِأَرْضٍ أُخْرَى، فَذَكَرْتُ أَوْ ذُكِرَ ذَلِكَ لِابْنِ عَبَّاسٍ، فَقَالَ: لَا بَأْسَ مَا لَمْ يَشْرِطْ

[21030] Abu Bakr said: Ghundar told us from Shu'bāh, from Al-Ḥakam, from Ibrāhīm, who said: "There is no harm in Suftajah." And Maymūn ibn Abī Shabīb used to dislike it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا بَأْسَ بِالسَّفَنَجَةِ. وَكَانَ مَيْمُونُ بْنُ أَبِي شَبَّابٍ يَكْرَهُهَا

[21031] Abu Bakr said: Ḥumayd ibn 'Abd al-Raḥmān al-Ru'āsī told us from Dīnār, who said: I asked Al-Ḥasan: I give the money changer a dirham in Basra and take a Suftajah, taking the like of my dirhams in Kufa. He said: "That is only done because of thieves; there is no good in a loan that brings a benefit."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ الرُّؤَاسِيُّ، عَنْ دِينَارٍ، قَالَ: سَأَلْتُ الْحَسَنَ: أَعْطِي الصَّرَافَ الدِّرْهَمَ بِالْبَصْرَةِ وَأَخُذُ السَّفَنَجَةَ، أَخُذُ مِثْلَ دَرَاهِمِيِّ بِالْكُوفَةِ، فَقَالَ: إِنَّمَا يُفْعَلُ ذَلِكَ مِنْ أَجْلِ الْلُّصُوصِ، لَا خَيْرَ فِي قَرْضٍ جَرَّ مَنْفَعَةً

[21032] Abu Bakr said: Jarīr told us from Manṣūr, from Ibrāhīm, that he used to say: "The testimony of children against each other [is valid]."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، أَنَّهُ كَانَ يَقُولُ: شَهَادَةُ الصِّبِّيَانَ بِعَضُّهُمْ عَلَى بَعْضٍ

[21033] Abu Bakr said: 'Alī ibn Mushir told us from Hishām ibn 'Urwah, from his father, that he used to say: "The testimony of children is valid among themselves, and their first statement is taken."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْوِرٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ كَانَ يَقُولُ: شَهَادَةُ الصِّبِّيَانَ تَجُوزُ فِيمَا بَيْنَهُمْ، وَيُؤْخَذُ بِأَوَّلِ قَوْلِهِمْ

[21034] Abu Bakr said: Wakī' told us from Ibn Jurayj, from Ibn Abī Mulaykah, from Ibn 'Abbās regarding the testimony of children. He said: Allah Almighty said: {from among the witnesses whom you like} [Al-Baqarah: 282], and they are not among those who are liked. Ibn al-Zubayr said: "They are more likely to testify about what they saw when asked." Ibn Abī Mulaykah said: "I have not seen the judges take anything except the saying of Ibn al-Zubayr."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ ابْنِ جُرَيْجٍ، عَنْ ابْنِ مُلَيْكَةَ، عَنْ ابْنِ عَبَّاسٍ، فِي شَهَادَةِ الصِّبِّيَانِ، قَالَ: قَالَ اللَّهُ تَعَالَى: {مَمَنْ تَرْضَوْنَ مِنَ الشُّهَدَاءِ} وَلَيْسُو مِمَّنْ يَرْضَوْنَ، قَالَ ابْنُ الزُّبَيْرِ: [البقرة: 282] هُمْ أَحْرَى إِذَا سُئِلُوا عَمَّا رَأَوْا أَنْ يَشْهُدُوا. قَالَ ابْنُ أَبِي مُلَيْكَةَ: فَمَا رَأَيْتُ الْفُضَّاهَا أَخْدَثْ إِلَّا يَقُولُ ابْنُ الزُّبَيْرِ

[21035] Abu Bakr said: Ḥātim ibn Wardān told us from Yūnus, from Al-Ḥasan, who said: "The testimony of children against adults is not valid, but the testimony of children against each other is valid if they are separated."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَاتِمُ بْنُ وَرْدَانَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، قَالَ: لَا تَجُوزُ شَهَادَةُ الصِّبِّيَّانِ عَلَى الْكِبَارِ، وَتَجُوزُ شَهَادَةُ الصِّبِّيَّانِ بَعْضُهُمْ عَلَى بَعْضٍ إِذَا فَرَقَ بَيْنَهُمْ

[21036] Abu Bakr said: Sharīk told us from 'Abd al-A'lā, from Shurayḥ, that he used to allow the testimony of children regarding teeth and head injuries exposing the bone, but refused them regarding anything else.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ عَبْدِ الْأَعْلَى، عَنْ شُرَيْحٍ، أَنَّهُ كَانَ يُحِبُّ شَهَادَةَ الصِّبِّيَّانِ عَلَى السَّنْ وَالْمُوضِيَّةِ، وَيَنْهَاهُمْ فِيمَا سِوَى ذَلِكَ

[21037] Abu Bakr said: Īsā ibn Yūnus told us from 'Abd al-A'lā, from Abū Bakr ibn Maryam, who said: I heard Makhūl saying: "If a boy reaches fifteen, his testimony is valid."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنْ عَبْدِ الْأَعْلَى، عَنْ أَبِي بَكْرٍ بْنِ مَرْيَمَ، قَالَ: سَمِعْتُ مَكْحُولًا، يَقُولُ: إِذَا بَلَغَ الْغُلَامُ خَمْسَةَ عَشَرَ جَازَتْ شَهَادَتُهُ

[21038] Abu Bakr said: Abū Mu'āwiyah told us from 'Ubaydullāh ibn 'Umar, from Dāwūd ibn al-Ḥuṣayn, who said: I witnessed a boy before a judge from the judges of Medina called Salamah ibn 'Abd al-Raḥmān al-Makhzūmī. He sent to Al-Qāsim and Sālim asking them about his testimony. They said: "If he has grown hair, allow his testimony."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ دَاؤِدَ بْنِ الْحُصَيْنِ، قَالَ: شَهُدْتُ غُلَامًا عِنْدَ قَاضٍ مِنْ قُضَاءِ أَهْلِ الْمَدِينَةِ يُقَالُ لَهُ سَلَمَةً بْنَ عَبْدِ الرَّحْمَنِ الْمَخْزُومِيَّ، فَأَرْسَلْتُ إِلَى الْقَاسِمِ، وَسَالَمَ فَسَأَلَاهُمَا عَنْ شَهَادَتِهِ، قَالَا: إِنْ كَانَ أَبْنَتَ فَأَجِزْ شَهَادَتَهُ

[21039] Abu Bakr said: Ibn 'Ulayyah told us from Ibn 'Awn, from Ibn Sīrīn, that he said regarding the testimony of children: "Their testimony is written down and they are verified."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ ابْنِ عَوْنِ، عَنْ ابْنِ سِيرِينَ، أَنَّهُ قَالَ فِي شَهَادَةِ الصَّبِيَّيْنِ: تُكْتَبُ شَهَادَتُهُمْ وَيُسْتَثْبَتُونَ

[21040] Abu Bakr said: Mu'ādh ibn Mu'ādh told us from Ash'ath, from Muḥammad ibn 'Abd al-Raḥmān, who said: "They are verified."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعَاذُ بْنُ مُعَاذٍ، عَنْ أَشْعَثَ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ، قَالَ: يُسْتَثْبَتُونَ

[21041] Abu Bakr said: Ibn Abī Zā'idah told us from Ḥajjāj, from 'Atā', from Ibn 'Abbās, who said: "The testimony of a child is not valid."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ حَاجَاجٍ، عَنْ عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: لَا تَجُوزُ شَهَادَةُ الصَّبِيِّ

[21042] Abu Bakr said: Ibn Abī Zā'idah told us from 'Abd al-Malik, from 'Atā', who said: "The testimony of minors is not valid until they grow up."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ، قَالَ: لَا تَجُوزُ شَهَادَةُ الصَّغَارِ حَتَّى يَكُبُرُوا

[21043] Abu Bakr said: Ibn Abī Zā'idah told us from Abū Sahl, from 'Āmir, who said: "He did not allow the testimony of children."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ أَبِي سَهْلٍ، عَنْ عَامِرٍ، قَالَ: كَانَ لَا يُجِيزُ شَهَادَةَ الصِّبِّيَّانَ

[21044] Abu Bakr said: Wakī' told us: Sufyān told us from Al-Zubayr ibn 'Adī, from Sulaymān al-Hamdānī, who said: I testified before Shurayh while I was a boy. He poked some part of my body with his finger and said: "Until you reach puberty."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِبْعُ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنِ الرُّبَّيرِ بْنِ عَدَىٰ، عَنْ سُلَيْمَانَ الْهَمْدَانِيِّ، قَالَ: شَهَدْتُ عِنْدَ شُرَيْحٍ وَأَنَا غُلَامٌ، فَقَالَ بِإِصْبَاعِهِ فِي بَعْضِ جَسَدِيِّ: حَتَّى تَلْعَلُ

[21045] Abu Bakr said: Waki' told us: I witnessed boys from the neighborhood testifying before Ibn Abī Laylā who had not reached puberty. He said: "Write: So-and-so and so-and-so testified while they are young and have not reached puberty. If they reach puberty and remain steadfast in their testimony, it is valid, but if they retract, it is nothing."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: شَهَدْتُ عِنْدَ ابْنِ أَبِي لَيْلَى صِبَّيَانًا مِنَ الْحَيِّ لَمْ يَبْلُغُوا، فَقَالَ: "اَكْتُبْ: شَهَدَ فُلَانٌ وَفُلَانٌ وَهُمْ صِبَّارٌ وَلَمْ يَبْلُغُوا، فَإِذَا بَلَغُوا فَإِنْ تَبَثُوا عَلَى شَهَادَتِهِمْ جَازَتْ، وَإِنْ رَجَعُوا فَلَيْسَ بِشَيْءٍ"

[21046] Abu Bakr said: Waki' told us: Isrā'il told us from 'Isā ibn Abī 'Azzah, from Al-Sha'bī, that he used to allow the testimony of children and would send for them to ask them about it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ، عَنْ عِيسَى بْنِ أَبِي عَزَّةَ، عَنِ الشَّعْبِيِّ، أَنَّهُ كَانَ يُجِيزُ شَهَادَةَ الصِّبَّيَانِ، وَيُرْسِلُ إِلَيْهِمْ فَيَسْأَلُهُمْ عَنْهَا

[21047] Abu Bakr said: Waki' told us: Sufyān told us from Abū Ishāq, from Shurayh, that he allowed the testimony of boys regarding a slave girl and judged concerning her for four thousand.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ أَبِي إِسْحَاقَ، عَنْ شُرَيْحٍ، أَنَّهُ أَجَازَ شَهَادَةَ غِلْمَانٍ فِي أُمَّةٍ، وَقَضَى فِيهَا بِأَرْبَعَةِ آلَافِ

[21048] Abu Bakr said: Yahyā ibn Sa'īd al-Qatṭān told us from 'Amr, from Al-Hasan, from 'Alī, that he used to allow the testimony of children against each other.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدِ الْقَطَّانِ، عَنْ عَمْرٍو، عَنْ الْحَسَنِ، عَنْ عَلَيِّ، أَنَّهُ كَانَ يُجِيزُ شَهادَةَ الصِّبِّيْنَ بِعَضُّهُمْ عَلَى بَعْضٍ

[21049] Abu Bakr said: Sharīk told us from Hishām, from Simāk, from the son of 'Ubayd ibn al-Abraṣ, that 'Alī held a carpenter liable.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ هِشَامٍ، عَنْ سِمَاكٍ، عَنْ ابْنِ عَبِيدِ بْنِ الْأَبْرَاصِ، أَنَّ عَلِيًّا ضَمَّنَ نَجَارًا

[21050] Abu Bakr said: Ibn Mubārak told us from Ṭalḥah ibn Abī Sa'īd, who said: I heard Bukayr ibn 'Abdullāh ibn al-Ashajj narrating from 'Umar ibn al-Khaṭṭāb that he held craftsmen who set themselves up for people in their work liable for what was destroyed in their

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ طَلْحَةَ بْنِ أَبِي سَعِيدٍ، قَالَ: سَمِعْتُ بُكَيْرَ بْنَ عَبْدِ اللَّهِ بْنَ الْأَشْجَحِ، يُحَدِّثُ عَنْ عُمَرَ بْنِ الْخَطَّابِ ضَمَّنَ الصُّنَاعَ الَّذِينَ اتَّصَبُوا لِلنَّاسِ فِي أَعْمَالِهِمْ مَا أَهْلَكُوا فِي أَيْدِيهِمْ

[21051] Abu Bakr said: Ḥātim ibn Ismā'il told us from Ja'far, from his father, from 'Alī, that he used to hold the bleacher and the goldsmith liable, and he said: "People are only set right by that."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ، عَنْ جَعْفَرٍ، عَنْ أَبِيهِ، عَنْ عَلَيِّ، أَنَّهُ "كَانَ يُضَمِّنُ الْقَصَارَ وَالصَّوَاعِنَ، وَقَالَ: لَا يُصْلِحُ النَّاسَ إِلَّا ذَلِكَ

[21052] Abu Bakr said: 'Alī ibn Mushir told us from Al-Shaybānī, from 'Alī ibn al-Aqmar, from Shurayḥ, that he used to hold the bleacher liable, and he said: "Give him his garment or its purchase price."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ الشَّيْبَانِيِّ، عَنْ عَلِيِّ بْنِ الْأَقْمَرِ، عَنْ شُرَيْحٍ، أَنَّهُ كَانَ يُضْمِنُ الْقَصَارَ، وَقَالَ: أَعْطِهِ تَوْبَةً أَوْ شِرَاءً

[21053] Abu Bakr said: Ghundar told us from Shu'bah, from Jābir, from Al-Sha'bī, from Masrūq and Shurayḥ, who said: "They used to hold the bleacher liable for its purchase price on the day he took it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ جَابِرٍ، عَنْ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ، وَشُرَيْحٍ، قَالَ: كَانُوا يُضْمِنُونَ الْقَصَارَ وَشِرَاءً فِي يَوْمٍ أَخْذُوهُ

[21054] Abu Bakr said: Waki' told us from Isrā'il, from Jābir, from 'Āmir, from Masrūq and Shurayḥ, that they said regarding a bleacher who tears a garment: "He guarantees its value and takes the garment for himself."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، عَنْ مَسْرُوقٍ، وَشُرَيْحٍ، أَنَّهُمَا قَالَا: فِي قَصَارٍ خَرَقَ تَوْبَاهُ: يَضْمِنُ قِيمَتَهُ، وَيَأْخُذُ تَوْبَةَ إِلَيْهِ

[21055] Abu Bakr said: 'Abd al-A'lā told us from Yūnus, from Al-Hasan, that he said regarding the bleacher if he spoils [something]: He is liable. He said: "And he did not hold him liable for drowning, burning, or a superior enemy."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنِ الْحَسَنِ، أَنَّهُ قَالَ فِي الْقَصَارِ إِذَا أَفْسَدَ، قَالَ: هُوَ ضَامِنٌ، قَالَ: وَكَانَ لَا يُضْمِنُهُ غَرْقًا، وَلَا حَرْقًا، وَلَا عَدُوا مُكَابِرًا

[21056] Abu Bakr said: 'Abdullāh ibn Numayr told us from Al-A'mash, who said: A neighbor of mine, a bleacher named Thābit, ordered me: Ask Ibrāhīm about a man who gave his servant a garment and it was lost. So I asked him, and he said: "Doesn't he know that he is a servant?" I said: Yes. He said: "He is liable."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ نُمَيْرٍ، عَنِ الْأَعْمَشِ، قَالَ: أَمْرَنِي جَارٍ لِي قَصَارٌ يُقَالُ لَهُ ثَابِتٌ: سَلْ إِبْرَاهِيمَ عَنْ رَجُلٍ أَعْطَى غُلَامًا لَهُ ثُوبًا فَضَاعَ، فَسَأَلْتُهُ، فَقَالَ: أَلَيْسَ يَعْلَمُ أَنَّهُ غُلَامٌ؟ قُلْتُ: نَعَمْ، قَالَ: هُوَ ضَامِنٌ

[21057] Abu Bakr said: Hushaym told us from Mughīrah, who said: I asked Ibrāhīm about a weaver who walked through spun yarn with a firebrand, and a spark fell and burned the yarn. He said: "He is liable."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، قَالَ: سَأَلْتُ إِبْرَاهِيمَ عَنْ حَائِكٍ، مَشَى فِي غَزْلٍ بِعَنْقَلَةٍ مِنْ نَارٍ، فَوَقَعَتْ شَرَارَةٌ، فَأَحْرَقَتِ الْغَزْلَ، قَالَ: يَضْمِنْ

[21058] Abu Bakr said: Yahyā ibn 'Abd al-Malik ibn Abī Ghunīyah told us from Al-Ḥakam, who said: "The dyer, the bleacher, and every common hired worker are liable."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ عَبْدِ الْمَالِكِ بْنِ أَبِي غَنِيَّةَ، عَنِ الْحَكَمِ، قَالَ: يَضْمُنُ الصَّبَاعُ، وَالْقَصَارُ، وَكُلُّ أَجِيرٍ مُشْتَرَكٍ

[21059] Abu Bakr said: Wakī' told us: Sufyān told us from Jābir and Muṭarrif, from 'Āmir, who said: "The bleacher is not liable except for what his hand has caused."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ جَابِرٍ، وَمُطَرْفٍ، عَنْ عَامِرٍ، قَالَ: لَا يَضْمُنُ الْقَصَارُ إِلَّا مَا جَنَّتْ يَدُهُ

[21060] Abu Bakr said: Sufyān ibn 'Uyaynah told us from Ayyūb ibn Mūsā, from Ibn Qusayṭ, from Sulaymān ibn Yasār that a slave girl came to a people, deceived them, and claimed she was free. A man married her and she bore him children. Then they found out she was a slave. 'Umar judged the value of her children for every deceived person as a Ghurrah (indemnity).

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنْ أَبِي بَنْ مُوسَى، عَنِ ابْنِ قُسَيْطٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ أَمَّةً أَنْتُ قَوْمًا فَغَرَّنَّهُمْ وَرَعَدْتُ أَنَّهَا حُرَّةٌ، فَتَرَوَّجَهَا رَجُلٌ فَوَلَدْتُ مِنْهُ أُولَادًا فَوَجَدُوهَا أَمَّةً، فَقَضَى عُمَرٌ بِقِيمَةِ أُولَادِهَا فِي كُلِّ مَغْرُورٍ غُرَّةً

[21061] Abu Bakr said: 'Abd al-A'lā told us from Sa'īd, from Qatādah, from Khilās that a slave girl came to Tayy and claimed she was free. A man married her, then her master appeared. 'Uthmān judged that she and her children belonged to her master, and gave her husband whatever he could recover of her belongings, and established the sunnah or the religion regarding them: for every head, two heads.

[21062] Abu Bakr said: Yazīd ibn Hārūn told us from Ash'ath, from Al-Sha'bī, who said: I asked him about a slave girl who fled from one land to another, came to a people claiming she was free, and a man desired her and married her, and she bore children. Then they learned she was a slave, and her master came and took her. He said: "The master takes his slave girl, and the father ransoms his children after paying indemnity (ghurrah)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ فَتَادَةَ، عَنْ خِلَاسٍ، أَنَّ أَمَّةَ أَنْتُ طَيًّا فَرَعَمَتْ أَنَّهَا حُرَّةَ، فَتَزَوَّجَهَا رَجُلٌ، ثُمَّ إِنَّ سَيِّدَهَا ظَهَرَ عَلَيْهَا "فَقَضَى عُثْمَانُ أَنَّهَا وَأُولَادَهَا لِسَيِّدِهَا، وَجَعَلَ لِزَوْجِهَا مَا أَدْرَكَ مِنْ مَتَاعِهَا، وَجَعَلَ فِيهِمُ السُّنْنَةَ أَوِ الْمِلَةَ: فِي كُلِّ رَأْسٍ رَأْسِينَ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ أَشْعَثَ، عَنْ الشَّعْبِيِّ، قَالَ: سَأَلْتُهُ عَنْ جَارِيَةٍ أَبْقَتْ مِنْ أَرْضٍ إِلَى أَرْضٍ أُخْرَى، فَأَنْتُ قَوْمًا فَرَعَمْتُ أَنَّهَا حُرَّةَ فَرَغَبَ فِيهَا رَجُلٌ، فَتَزَوَّجَهَا فَوَلَدَتْ أُولَادًا، ثُمَّ عَلِمُوا أَنَّهَا أَمَّةٌ، فَجَاءَ مَوْلَاهَا فَأَخْذَهَا، قَالَ: يَأْخُذُ الْمَوْلَى أَمَّةً، وَيَقْدِي الْأُبُّ أُولَادَهُ بَعْدَ غُرَّةٍ

[21063] Abu Bakr said: Al-Faḍl ibn Dukayn told us from Hishām ibn Sa'd, from Shaybah ibn Niṣāḥ, from Sa'īd ibn al-Musayyib, who said: "For every deceived child, there is an indemnity (ghurrah)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ دُكِيْنَ، عَنْ هِشَامٍ
بْنِ سَعْدٍ، عَنْ شَيْبَةِ بْنِ نِصَاحٍ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ،
قَالَ: فِي كُلِّ وَلَدٍ مَغْرُورٍ غُرَّةٌ

[21064] Abu Bakr said: Muḥammad ibn Abī 'Adī told us from Ṣalīḥ ibn Abī al-Akhḍar, from 'Abbād ibn Sa'īd, that 'Umar ibn 'Abd al-'Azīz said: "Whoever sells a slave or a man under interdiction (mahjūr 'alayh), his wealth is lost."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنْ
صَالِحٍ بْنِ أَبِي الْأَخْضَرِ، عَنْ عَبَادِ بْنِ سَعِيدٍ، أَنَّ عُمَرَ
بْنَ عَبْدِ الْعَزِيزِ، قَالَ: مَنْ بَاعَ عَبْدًا أَوْ رَجُلًا مَحْجُورًا
عَلَيْهِ فَمَالِهُ إِتْوَاءٌ

[21065] Abu Bakr said: Hushaym told us from Mughīrah, from Ibrāhīm, who said: "If he comes to the people of his market and informs them that he has interdicted him, then no one has the right to deal with him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ مُخْبِرَةَ، عَنْ
إِبْرَاهِيمَ، قَالَ: إِذَا أَتَى أَهْلَ سُوقِهِ، فَأَعْلَمَهُمْ أَنَّهُ حَجَرٌ
عَلَيْهِ، فَلَا يُؤْخَدُ أَنْ يُخَالِطَهُ

[21066] Abu Bakr said: Abū Usāmah told us from Hishām, from Al-Ḥasan, who said: "If a man interdicts his slave among the people of his market, it is not binding on him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنْ
الْحَسَنِ، قَالَ: إِذَا حُجَرَ لِرَجُلٍ عَلَى عَبْدِهِ فِي أَهْلِ
سُوقِهِ، فَلَمْ يَجُزْ عَلَيْهِ

[21067] Abu Bakr said: Hushaym told us from Ibn 'Awn, from Ibn Sirin, that he used to see nothing in interdiction.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ ابْنِ عَوْنِ، عَنْ أَبْنِ سِيرِينَ، أَنَّهُ كَانَ لَا يَرَى فِي الْحَجْرِ شَيْئًا

[21068] Abu Bakr said: Yahyā ibn Yamān told us from Muḥammad ibn Qays, from Bakkār al-'Itri, that a man interdicted his slave, so it was brought to 'Alī. He said: "Did you use to send him with a dirham to buy meat?" He said: Yes. He said: "Then make him authorized."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ يَمَانٍ، عَنْ مُحَمَّدٍ بْنِ قَيْسٍ، عَنْ بَكَارِ الْعِثْرِيِّ، أَنَّ رَجُلًا حَجَرَ عَلَى عُلَامٍ لَهُ، فَرُفِعَ إِلَى عَلِيٍّ، فَقَالَ: كُنْتُ ثُرْسِلُهُ بِدِرْهَمٍ يَتَشَرِّي بِهِ لَحْمًا؟ قَالَ: نَعَمْ، قَالَ: فَاجْعَلْهُ مَأْذُونًا لَهُ

[21069] Abu Bakr said: 'Abdullāh ibn Idrīs told us from Shu'bah, from Mughīrah, from Ibrāhīm, who said: "A free man is not interdicted."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ، عَنْ شُعْبَةَ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا يُحْجَرُ عَلَى حُرٌّ

[21070] Abu Bakr said: Ibn Fudayl told us from Ḥuṣayn, who said: I witnessed Shurayḥ when a man came to him with his nephew, seeking help against him. The man said: "My nephew drinks heavily and offers drinks." Shurayḥ said: "Withhold his wealth from him and spend on him reasonably." He said: His nephew had already grown a beard.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ حُصَيْنِ، قَالَ: شَهِدْتُ شُرَيْحًا، فَأَتَاهُ رَجُلٌ وَمَعْهُ ابْنُ أَخِيهِ قَدِ اسْتَعْدَى عَلَيْهِ، فَقَالَ الرَّجُلُ: إِنَّ ابْنَ أَخِي يُكْثِرُ السُّكْرَ، يَعْرِضُ عَلَيْهِ بِالشَّرَابِ، قَالَ شُرَيْحٌ: أَمْسِكْ عَلَيْهِ مَالَهُ، وَأَنْفِقْ عَلَيْهِ بِالْمَعْرُوفِ قَالَ: وَكَانَ ابْنُ أَخِيهِ قَدْ حَرَجَتْ لِحِينَةً

[21071] Abu Bakr said: Ḥafṣ told us from Ḥajjāj, from 'Abd al-Malik ibn al-Mughīrah, who said: Najdah wrote to Ibn 'Abbās asking him about an old man who had lost his mind or denied his mind. He wrote back to him: "If his mind is gone or he denies his mind, he is interdicted."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ حَاجَاجٍ، عَنْ عَبْدِ الْمَلِكِ بْنِ الْمُغِيرَةِ، قَالَ: كَتَبَ نَجْدَةً إِلَى ابْنِ عَبَّاسٍ يَسْأَلُهُ عَنِ الشَّيْخِ الْكَبِيرِ الَّذِي قَدْ ذَهَبَ عَقْلُهُ أَوْ أَنْكَرَ عَقْلَهُ، فَكَتَبَ إِلَيْهِ: إِذَا ذَهَبَ عَقْلُهُ أَوْ أَنْكَرَ عَقْلَهُ حُجْرَ عَلَيْهِ.

[21072] Abu Bakr said: Ibn Abī Zā'idah told us from Ḥajjāj, from 'Aṭā', from Ibn 'Abbās, similarly.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ زَائِدَةَ، عَنْ حَاجَاجٍ، عَنْ عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ، نَحْرَا مِنْهُ

[21073] Abu Bakr said: Hushaym told us from 'Alī ibn 'Abd al-A'lā, from his father, from Shurayḥ, that he used to reject [sales] due to foolishness.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ عَلَيِّ بْنِ عَبْدِ الْأَعْلَى، عَنْ أَبِيهِ، عَنْ شُرَيْحٍ، أَنَّهُ كَانَ يَرُدُّ مِنَ الْحُمْقِ الْبَابَ

[21074] Abu Bakr said: Mu'tamir ibn Sulaymān told us from Zayd ibn Abī al-Mu'allā, a freed slave of Banū Tamīm, who said: I witnessed Iyās ibn Mu'āwiyah being arbitrated regarding a slave girl. The man said: "I bought a foolish slave girl from this man." He said: "I do not know him to reject due to foolishness." He said: "It is foolishness like madness." He said: So he said to her in Persian: "Do you remember the night you were born?" She said: "Yes." He said: So he said to her: "Which of the two legs is longer?" He said: She said: "This one of my legs." So he returned her.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ زَيْدِ بْنِ أَبِي الْمُعَلَّى، مَوْلَى لِتَنِي ثَمِيمٍ قَالَ: شَهِدْتُ إِبَاسَ بْنَ مُعَاوِيَةَ اخْتِصَمَ إِلَيْهِ فِي جَارِيَةٍ، فَقَالَ الرَّجُلُ: إِنِّي أَشْتَرَيْتُ مِنْ هَذَا جَارِيَةً حَمْقَاءَ، قَالَ: مَا أَعْلَمُهُ يَرُدُّ مِنَ الْحُمْقِ، فَقَالَ: إِنَّهُ حُمْقٌ كَالْجُنُونِ، قَالَ: فَقَالَ لَهَا بِالْفَارَسِيَّةِ: تَذَكَّرِينَ لِيَلَةً وُلِدْتِي؟ قَالَتْ: نَعَمْ، قَالَ: فَقَالَ لَهَا: أَيُّ رِجْلَيْنِ أَطْوَلُ؟ قَالَ: فَقَالَتْ أَحَدُ رِجْلَيْهَا هَذَا فَرَدَهَا

[21075] Abu Bakr said: Wakī' told us from Sufyān, from Jābir, from 'Āmir regarding hasty foolishness.

He said: "It is not returned unless it is something known, meaning known foolishness."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ فِي الْهَوَجِ قَالَ: لَا يُرَدُّ مِنْهُ إِلَّا أَنْ يَكُونَ شَيْئًا مَعْرُوفًا، يَعْنِي حُمْقًا مَعْرُوفًا

[21076] Abu Bakr said: Sharīk told us from a sheikh from Al-Za'āfir, from Masrūq, that he used to return [a purchase] due to baldness.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ شَيْخٍ مِنْ الرَّعَافِرِ، عَنْ مَسْرُوقٍ، أَنَّهُ كَانَ يَرُدُّ مِنَ الْصَّالِحِ

[21077] Abu Bakr said: Hushaym told us from Ismā'il ibn Sālim, from Al-Sha'bī, who said: I heard him narrating that a man bought a slave from another man. When he left with him, he found he had ringworm. He disputed with his companion before Shurayh. He said: "I bought this slave from this man, and he has ringworm. Look at his ringworm, for ringworm does not just happen." Shurayh said: "I will not combine being a judge and a witness. Show him to someone else, then bring them to me so they can testify for you. Otherwise, his oath by Allah: he did not sell him to you with this ringworm."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ إِسْمَاعِيلَ بْنِ سَالِمٍ، عَنِ الشَّعْبِيِّ، قَالَ: سَمِعْتُهُ يُحَدِّثُ، أَنَّ رَجُلًا اشْتَرَى مِنْ رَجُلٍ عَلَامًا، فَلَمَّا انْصَرَفَ بِهِ إِذَا بِهِ قَرَعٌ، فَخَاصَّمَ صَاحِبَهُ إِلَى شُرَيْحٍ قَالَ: قَالَ: إِنِّي اشْتَرَيْتُ مِنْ هَذَا الْعَلَامَ، وَبِهِ قَرَعٌ، فَانْظُرْ إِلَى قَرَاعِهِ، فَإِنَّ الْقَرَعَ لَا يَحْدُثُ، قَالَ: فَقَالَ شُرَيْحٌ: "لَا أَجْمَعُ أَنَّ أَكُونَ قاضِيَاً وَشَاهِدًا، أَرِيهِ عَيْرِي، ثُمَّ اتَّتِي بِهِمْ فَلَيَسْهُدُوا لَكَ، وَإِلَّا فَيَمْنَأُنَّهُ بِاللَّهِ: مَا بَاعَكَاهُ، وَبِهِ هَذَا الْقَرَعُ

[21078] Abu Bakr said: 'Abd al-A'lā ibn 'Abd al-A'lā told us from Ma'mar, from Al-Zuhri, that Ibn 'Umar and Zayd ibn Thābit used to see no harm in buying provisions if the documents (Quṭūt/Şikāk) were issued, and they would say: "Do not sell it until you possess it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى بْنُ عَبْدِ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، أَنَّ أَبْنَ عُمَرَ، وَزَيْدَ بْنَ ثَابِتٍ كَانَا "لَا يَرَيَا نَبْلَسًا بِشَرَى الرِّزْقِ، إِذَا أَخْرَجَتِ الْفُطُوطُ، وَهِيَ الصَّكَاكُ، وَيَقُولُونَ: لَا تَبْغُهُ حَتَّى تَقْبِضَهُ"

[21079] Abu Bakr said: Ismā'īl ibn Ibrāhīm told us from Ayyūb, from Nāfi', who said: I was informed that Ḥakīm ibn Ḥizām used to buy provisions documents, so 'Umar forbade him from selling until he took possession.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ أَيُّوبَ، عَنْ نَافِعٍ، قَالَ: تُبَيَّثُ أَنَّ حَكِيمَ بْنَ حِزَامَ كَانَ يَشْتَرِي صَكَّاكَ الرِّزْقِ، فَهَذِهِ عُمَرُ أَنْ يَبْيَعَ حَتَّى يَقْبِضَ

[21080] Abu Bakr said: Muḥammad ibn Bishr told us: 'Ubaydullāh told us from Nāfi', from Ibn 'Umar, from 'Umar, similarly.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ، قَالَ: حَدَّثَنَا عُبَيْدُ اللَّهِ، عَنْ نَافِعٍ، عَنْ أَبْنَ عُمَرَ، عَنْ عُمَرَ، يَنْحُوهُ

[21081] Abu Bakr said: Ibn Abī Zā'idah told us from Ismā'īl ibn Abī Khālid, who said: 'Āmir was asked about selling provisions. He said: "There is no harm in it, but he should not sell it until he takes possession of it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، قَالَ: سُلِّلَ عَامِرٌ عَنْ بَيْعِ الرِّزْقِ، فَقَالَ: لَا بَأْسَ بِهِ، وَلَكِنْ لَا يَبْيَعَ حَتَّى يَقْبِضَهُ

[21082] Abu Bakr said: 'Abdullāh ibn Mubārak told us from Ya'qūb ibn al-Qa'qā', from Maṭar, from Al-Ḥasan regarding a slave owned by three people, one of whom enters into a contract of Kitābah (manumission for payment) with him. He said: "Whatever is taken from him is divided among his partners, and the slave remains shared among them; his Kitābah is

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُبَارَكٍ، عَنْ يَعْقُوبَ بْنِ الْعَفَّاعِ، عَنْ مَطْرٍ، عَنِ الْحَسَنِ فِي عَبْدِ بَيْنِ ثَلَاثَةِ كَائِنَةِ أَحَدُهُمْ، قَالَ: يُؤْخَذُ مِنْهُ مَا أَخَذَ مِنْهُ فَيُقْسَمُ بَيْنَ شُرَكَائِهِ، وَالْعَبْدُ بَيْنَهُمْ، لَا يَجُوزُ كِتَابَةُ

[21083] Abu Bakr said: Ṣafwān ibn 'Isā told us from Unays ibn Abī Yahyā, who said: I asked Sa'īd ibn al-Musayyib about a Mukātab (slave under contract of manumission) shared by three owners. Some of them settled with him, while others held onto his contract and did not settle. The Mukātab died leaving much wealth. To whom does he leave it? Sa'īd said: "Those who held onto the remainder of their contract take their share, then what remains belongs to them."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا صَفْوَانُ بْنُ عِيسَى، عَنْ أُنَيْسِ بْنِ أَبِي يَحْيَى، قَالَ: سَأَلْتُ سَعِيدَ بْنَ الْمُسَيَّبَ، عَنْ مُكَاتَبٍ كَانَ بَيْنَ ثَلَاثَةَ قَاطِعَهُ بَعْضُهُمْ، وَتَمَسَّكَ بَعْضُهُمْ بِكِتَابِهِ فَلَمْ يُقَاطِعْهُ، وَمَا تَمَكَّنَ مِنْهُ وَرَثَكَ مَالًا كَثِيرًا، لِمَنْ يَرُثُكُهُ؟ قَالَ: سَعِيدٌ: يُشَرِّي الدِّينَ ثَمَسَّكُوا بِقِيَةِ كِتَابِهِمْ، ثُمَّ يَكُونُ مَا بَقِيَ مِنْهُمْ

[21084] Abu Bakr said: Sahl ibn Yūsuf told us from Shu'bah, who said: I asked Al-Ḥakam and Ḥammād about a slave owned by two men, where one of them enters into a contract of Kitābah for his share. "Ḥammād disliked it, while Al-Ḥakam saw no harm in it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا سَهْلُ بْنُ يُوسُفَ، عَنْ شُعْبَةَ،
قَالَ: سَأَلْتُ الْحَكَمَ، وَحَمَادًا عَنْ عَبْدٍ كَانَ بَيْنَ رَجُلَيْنِ
فَكَاتَبَ أَحَدُهُمَا نَصِيبَهُ فَكَرِهَهُ حَمَادٌ، وَلَمْ يَرِهِ الْحَكَمُ
بِأُسْأَى.

[21085] Abu Bakr said: Ibn Abī Zā'idah told us from Isrā'il, from Jābir, from 'Āmir regarding a man who enters into a contract of Kitābah for his share of a slave. He said: "If his partners know before he pays, they can reject it, but if he pays, it cannot be rejected."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ
إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، فِي رَجُلٍ كَاتَبَ
حِصَّةً مِنْ عَبْدٍ قَالَ: إِنْ عَلِمَ أَصْحَابُهُ قَبْلَ أَنْ يُؤَدِّي
رَدْوَهُ، وَإِنْ أَدَى لَمْ يُرَدَّ

[21086] Abu Bakr said: Ibn Abī Zā'idah told us from his father, from 'Āmir regarding a slave owned by three people, two of whom freed him, then the slave died leaving wealth. He said: "The two who freed him must compensate the one who did not free him for one-third of his value, then his inheritance is divided into three shares, one share for each man."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ أَبِيهِ، عَنْ
عَامِرٍ فِي عَبْدٍ بَيْنَ ثَلَاثَةَ، فَأَعْنَقَهُ رَجُلٌ مِنْهُمْ، ثُمَّ
ثُوَّقَ الْعَبْدُ وَلَهُ مَالٌ، قَالَ: يَعْرَمَانِ اللَّذَانِ أَعْنَقَا لِلَّذِي لَمْ
يُعْنِقْ ثُلَثَ ثَمَنِهِ، ثُمَّ يَقْسِمُ مِيرَاثَهُ عَلَى ثَلَاثَةَ أَسْهُمٍ، لِكُلِّ
رَجُلٍ سَهْمٌ

[21087] Abu Bakr said: Hushaym told us from Yūnus, from Al-Hasan regarding a slave owned by two men. He said: He used to dislike one of them entering into a contract of Kitābah with him without his partner's permission. If he did so, the one who did not contract Kitābah would share everything taken from him. When the one who contracted Kitābah completed what he contracted for, the slave would be free and would work to pay half his value to the one who did not contract Kitābah, and the Wala' (allegiance) would be shared between them.

[21088] Abu Bakr said: Ismā'il ibn 'Ulayyah told us from Al-Layth, Al-Sha'bī, and Ibrāhīm, who said: "If a man dies owing a debt with a future deadline, his debt becomes immediately due."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، فِي عَبْدٍ بْنِ رَجْلَيْنِ، قَالَ: كَانَ يَكْرَهُ أَنْ يُكَاتِبَهُ أَحَدُهُمَا إِلَّا بِإِذْنِ شَرِيكِهِ، فَإِنْ فَعَلَ قَاسِمَةً الَّذِي لَمْ يُكَاتِبْ كُلَّ شَيْءٍ أَخَذَ مِنْهُ، فَإِذَا اسْتَكْمَلَ الْأَذِي گَاتَبَهُ مَا كَاتَبَهُ عَلَيْهِ عَنْقٌ وَسَعْىٌ فِي نِصْفٍ قِيمَتِهِ الَّذِي لَمْ يُكَاتِبْهُ، وَالْوَلَاءُ بَيْنَهُمَا

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ ابْنُ عُلَيَّةَ، عَنِ الْلَّيْثِ، وَالشَّعْبِيِّ، وَإِبْرَاهِيمَ، قَالُوا: إِذَا مَاتَ الرَّجُلُ، وَعَلَيْهِ دَيْنٌ إِلَى أَجَلٍ فَقَدْ حَلَّ دَيْنُهُ

[21089] Abu Bakr said: Ibn Idrīs told us from Hishām, from Al-Ḥasan and Ibn Sīrīn regarding a man who dies owing a debt with a future deadline. Ibn Sīrīn said: "If the heirs provide security to the creditor, they have the deadline of their companion." Al-Ḥasan said: "If he dies, his debt becomes immediately due."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، وَابْنِ سِيرِينَ فِي الرَّجُلِ يَمُوتُ وَعَلَيْهِ دَيْنٌ إِلَى أَجْلٍ، قَالَ ابْنُ سِيرِينَ: إِذَا أُونِقَ الْوَرَثَةُ لِصَاحِبِ الْحَقِّ فَلَهُمْ أَجْلُ صَاحِبِهِمْ، وَقَالَ الْحَسَنُ: إِذَا مَاتَ فَقَدْ حَلَ دَيْنُهُ

[21090] Abu Bakr said: Ḥafṣ told us from Ash'ath, from Al-Ḥasan and Ibn Sīrīn, who said: "If a man dies and becomes bankrupt, what he owes becomes immediately due."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، وَابْنِ سِيرِينَ، قَالَ: إِذَا مَاتَ الرَّجُلُ، وَأَفْلَسَ فَقَدْ حَلَ مَا عَلَيْهِ

[21091] Abu Bakr said: Ḥafṣ told us from Ash'ath, from Al-Ḥakam and Ḥammād, from Ibrāhīm, who said: "If a man dies and becomes bankrupt, what he owes becomes immediately due."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنِ الْحَكَمِ، وَحَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا مَاتَ الرَّجُلُ، وَأَفْلَسَ فَقَدْ حَلَ مَا عَلَيْهِ

[21092] Abu Bakr said: Rawḥ ibn 'Ubādah told us from Ibn Abī Dhi'b, from Abān ibn 'Abd al-'Azīz, Ibn Shihāb, Abū Bakr ibn Muḥammad, and Sa'd ibn Ibrāhīm, that they used to judge regarding his debt until the appointed time.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا رَوْحُ بْنُ عُبَادَةَ، عَنْ ابْنِ أَبِي ذِئْبٍ، عَنْ أَبْنَاءَ بْنِ عَبْدِ الْعَزِيزِ، وَابْنِ شِهَابٍ، وَأَبِي بَكْرٍ بْنِ مُحَمَّدٍ، وَسَعْدَ بْنِ إِبْرَاهِيمَ، كَانُوا يَقْضُونَ فِي دِينِهِ إِلَى أَجَلٍ

[21093] Abu Bakr said: Wakī' told us from Sufyān, from Ash'ath, from Al-Hasan, from Shurayḥ, who said: "If a man provides security, then his deadline stands."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ أَشْعَثَ، عَنْ الْحَسَنِ، عَنْ شُرَيْحٍ، قَالَ: إِذَا أَوْتَقَ الرَّجُلُ فَهُوَ أَجَلُهُ

[21094] Abu Bakr said: Ḥafṣ told us from Layth, from Tāwūs, that he used to dislike selling ghee and oil while deducting such and such for the containers. He would say: "No, except by pouring or weighing."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ لَيْثٍ، عَنْ طَاؤِسٍ، أَنَّهُ كَانَ يَكْرَهُ بَيْعَ السَّمْنِ، وَبَيْعَ الزَّيْتِ، وَيَرْفَعُ لِلظُّرُوفِ كَذَا وَكَذَا وَيَقُولُ: لَا، إِلَّا صَبَّاً أَوْ وَزْنًا

[21095] Abu Bakr said: Ibn 'Ulayyah told us from Ibn 'Awn, from Muḥammad, that he used to dislike Qatr. Ibn 'Awn said: "Qatr is when a man sells to another and deducts something from the weight for the containers."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ ابْنِ عَوْنِ، عَنْ مُحَمَّدٍ: أَنَّهُ كَانَ يَكْرَهُ الْقَطْرَ. قَالَ ابْنُ عَوْنِ: الْقَطْرُ الرَّجُلُ يَبْيَعُ الرَّجُلَ، فَيَأْفِي لِلظُّرُوفِ شَيْئًا مِنَ الْوَزْنِ

[21096] Abu Bakr said: Mu'tamir ibn Sulaymān told us from Salam ibn Abī al-Dhayyāl, who said: I asked Ibn Sīrīn about one who sells goods in containers, and they have agreed on a known weight for the containers. He said: "He sells it all by weight, and the containers are included."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ سَلَمَ بْنِ أَبِي الدَّيَّالِ، قَالَ: سَأَلْتُ ابْنَ سِيرِينَ عَنِ الْذِي يَبْيَعُ الْمَتَاعَ فِي التُّوَاسِ، وَقَدْ جَعَلُوا بَيْتَهُمْ وَزْنَ الظُّرُوفِ شَيْئًا مَعْلُومًا، قَالَ: يَبْيَعُهُ وَرَنَّا كُلُّهُ، وَالظُّرُوفُ مَعَهُ

[21097] Abu Bakr said: Muḥammad ibn Yazīd told us from Ayyūb Abū al-'Alā', from Qatādah and Abū Hāshim regarding a man who buys ghee and honey on the condition that he deducts such and such for the containers. They claimed it is disliked.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ يَزِيدَ، عَنْ أَيُوبَ أَبِي الْغَلَاءِ، عَنْ قَتَادَةَ، وَأَبِي هَاشِمٍ، قَالَ: فِي الرَّجُلِ يَشْتَرِي السَّمْنَ وَالْعُسلَ عَلَى أَنْ يَدْفَعَ مِنَ الظُّرُوفِ كَذَا وَكَذَا، فَرَعَمُوا أَنَّهُ مَكْرُوْهٌ

[21098] Abu Bakr said: Abū Dāwūd told us from 'Imrān, from Ḥammād, who said: I asked Ibrāhīm about a Bedouin who comes with a skin of ghee and sells it, deducting a certain weight for the skin. He said: "There is no harm in it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو دَاؤِدَ، عَنْ عِمْرَانَ، عَنْ حَمَادٍ، قَالَ: سَأَلْتُ إِبْرَاهِيمَ عَنِ الْأَعْرَابِيِّ يَحِيَّهُ بِالنَّحْيِ مِنَ السَّمْنِ وَبَيْعُهُ، وَيُلْقِي لِلنَّحْيِ أَمْنَانًا، فَقَالَ: لَا بَأْسَ بِهِ

[21099] Abu Bakr said: Sharīk told us from 'Āsim ibn 'Ubaydullāh, from 'Abdullāh ibn 'Āmir ibn Rabī'ah, from Zayd ibn Thābit, that he considered exemption from every defect to be permissible.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ عَاصِمِ بْنِ عُبَيْدِ اللَّهِ، عَنْ عَبْدِ اللَّهِ بْنِ عَامِرٍ بْنِ رَبِيعَةَ، عَنْ زَيْدِ بْنِ ثَابِتٍ، أَنَّهُ كَانَ يَرَى الْبَرَاءَةَ مِنْ كُلِّ عَيْبٍ جَائِزًا

[21100] Abu Bakr said: 'Abbād ibn al-'Awwām told us from Yaḥyā ibn Sa'īd, from Sālim, that Ibn 'Umar sold a slave for eight hundred. The buyer found a defect in him and disputed with him before 'Uthmān. 'Uthmān asked him, and he said: "I sold him with exemption." 'Uthmān said: "Will you swear by Allah that you sold him without knowing of any defect in him?" He said: "I sold him with exemption," and refused to swear. So 'Uthmān returned him to him, and he sold him later for one thousand five hundred.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَالِمٍ، أَنَّ ابْنَ عُمَرَ بَاعَ غُلَامًا لَهُ بِعَمَانِيَةٍ، قَالَ: فَوَجَدَ بِهِ الْمُشْتَرِي عَيْنًا فَخَاصَمَهُ إِلَيْهِ عُثْمَانَ، فَسَأَلَهُ عُثْمَانُ، فَقَالَ: بِعْتُهُ بِالْبَرَاءَةِ، فَقَالَ: "تَحْلُفُ بِاللَّهِ: لَقَدْ بِعْتُهُ، وَمَا بِهِ مِنْ عَيْبٍ تَعْلَمُهُ" فَقَالَ: بِعْتُهُ بِالْبَرَاءَةِ، وَأَبَى أَنْ يَحْلُفَ فَرَدَهُ عُثْمَانُ عَلَيْهِ، فَبَاعَهُ بَعْدَ ذَلِكَ بِالْفِ وَهُمْسِيَّةٍ

[21101] Abu Bakr said: 'Abd al-Salām ibn Ḥarb told us from Mughīrah, from Ibrāhīm, who said: "Whatever defect he names, he is absolved of it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامِ بْنُ حَرْبٍ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: مَا سَمَى مِنْ عَيْبٍ بَرِئَ مِنْهُ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، عَنْ شُرَيْحٍ، قَالَ: إِذَا هُوَ سَمَّى بَرِئَ

[21102] Abu Bakr said: Waki' told us from Isrā'il, from Jābir, from 'Āmir, from Shurayḥ, who said: "If he names [the defect], he is absolved."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنْ عَوْنَ، عَنْ ابْنِ سِيرِينَ، فِي الرَّجُلِ يَبْيَعُ الدَّابَّةَ فَيَقُولُ:

أَبْرَأُ مِنْ كَذَّا، أَبْرَأُ مِنْ كَذَّا، أَبْرَأُ مِنَ الْجُرْدِ، قَالَ: لَا يَبْرَأُ إِلَّا مِنْ شَيْءٍ يُسَمِّيهُ وَيَقُولُ بِهِ

[21103] Abu Bakr said: Muḥammad ibn Abī 'Adī told us from Ibn 'Awn, from Ibn Sīrīn regarding a man who sells an animal and says: I absolve myself of this, I absolve myself of that, I absolve myself of mange. He said: "He is not absolved except from something he names and acknowledges."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ دِيَنَارٍ، قَالَ: قُلْتُ لِلْحَسَنِ: أَبْيَعُ السُّلْعَةَ وَأَبْتَرُ مِنَ الْفُرُوحِ، وَالْجُرُوحِ، وَالْبَقَائِعِ وَالْبَاطِنِ، وَالظَّاهِرِ، فَقَالَ: لَا تَبْرَأُ حَتَّى تَقُولَ: فِي هَذَا الْعَيْنِ كَذَّا، وَهَذَا كَذَّا، وَإِلَّا رُدَّ عَلَيْكَ

[21104] Abu Bakr said: Ḥumayd ibn 'Abd al-Rahmān told us from Dīnār, who said: I said to Al-Ḥasan: I sell a commodity and absolve myself of sores, wounds, spots, hidden and apparent [defects]. He said: "You are not absolved until you say: In this specific item is such and such, otherwise it will be returned to you."

[21105] Abu Bakr said: Ghundar told us from Ibn Jurayj, from 'Atā', who said: "He is not absolved of the defect until he names it and places his hands on it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عُنْدُرُ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: لَا يَبْرُأُ مِنَ الْعَيْنِ حَتَّى يُسَمِّيَهُ، وَيَضَعَ يَدَيْهِ عَلَيْهِ

[21106] Abu Bakr said: Wakī' told us from Ismā'il al-Azraq, from Al-Sha'bī, who said: "If he names it, he is absolved, even if he does not place his hand on the defect."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْمَاعِيلَ الْأَزْرَقَ، عَنْ الشَّعْبِيِّ، قَالَ: إِنْ سَمَّى بَرِئَ، وَإِنْ لَمْ يَضَعْ يَدَهُ عَلَى الْعَيْنِ

[21107] Abu Bakr said: Wakī' told us: Sufyān told us from Mansūr, from a man, from Shurayh, who said: "He is not absolved until he places his hands on the ailment."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ رَجُلٍ، عَنْ شُرَيْحٍ، قَالَ: لَا يَبْرُأُ حَتَّى يَضَعْ يَدَيْهِ عَلَى الدَّاءِ

[21108] Abu Bakr said: Sufyān told us from Mughīrah, from Ibrāhīm, who said: If he says: I sell you meat on a mat, I sell you what the earth carries. He said: "If he names it, he is absolved."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا سُفْيَانَ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا قَالَ: أَبِيعُكَ لَحْمًا عَلَى بَارِيَةٍ، أَبِيعُكَ مَا أَفَّتِ الْأَرْضُ، قَالَ: إِذَا سَمَّى بَرِئَ

[21109] Abu Bakr said: Waki' told us from Sufyān, from Ḥammād, from Ibrāhīm, from Abū Hurayrah and Abū Sa'īd, who said: "Whoever hires a worker should inform him of his wage."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، عَنْ أَبِي هُرَيْرَةَ، وَأَبِي سَعِيدٍ، قَالَا: مَنِ اسْتَأْجَرَ أَجِيرًا، فَلْيُعْلَمْ أَجْرَهُ

[21110] Abu Bakr said: 'Abd al-Rahmān ibn Mahdī told us from Sahl al-Sarrāj, from Al-Ḥasan, who said: 'Uthmān said: "Whoever hires a worker should clarify his wage to him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ، عَنْ سَهْلِ السَّرَّاجِ، عَنِ الْحَسَنِ، قَالَ: قَالَ عُثْمَانُ: مَنِ اسْتَأْجَرَ أَجِيرًا، فَلْيُبَيِّنْ لَهُ أَجْرَهُ

[21111] Abu Bakr said: Ḥafṣ told us from Ash'ath, from Al-Ḥakam and Ḥammād, from Ibrāhīm and Ibn Sīrīn, that they disliked employing a worker until his wage is clarified to him.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنْ الْحَكَمَ، وَحَمَادٍ، عَنْ إِبْرَاهِيمَ، وَابْنِ سِيرِينَ أَنَّهُمَا كَرِهَا أَنْ يَسْتَعْمِلَ الْأَجِيرَ حَتَّى يُبَيِّنَ لَهُ أَجْرَهُ

[21112] Abu Bakr said: Muḥammad ibn Fuḍayl told us from Ash'ath, from Muḥammad, that he disliked employing a worker for something unknown, unless it is something known.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ فُضَيْلٍ، عَنْ أَشْعَثَ، عَنْ مُحَمَّدٍ، أَنَّهُ كَرِهَ أَنْ يَسْتَعْمِلَ الْأَجِيرَ مَا لَا يَعْرِي مَا هُوَ، إِلَّا أَنْ يَكُونَ شَيْئاً مَعْلُومًا

[21113] Abu Bakr said: 'Abd al-Rahmān ibn Mahdī told us from Zam'ah, from Ibn Ṭāwūs, from his father, who said: "A worker is not hired except for known measures."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيًّا، عَنْ زَمْعَةَ، عَنْ ابْنِ طَلَوْسٍ، عَنْ أَبِيهِ، قَالَ: لَا يُسْتَأْجِرُ الْأَجِيرُ إِلَّا بِأَفْرَاقٍ مَعْلُومَةٍ

[21114] Abu Bakr said: Abū Khālid al-Āḥmar told us from Ash'ath, from Al-Ḥakam regarding a man who buys a slave girl, and the seller says: "I will not hand her over to you until she menstruates." So she was placed in the custody of a trustworthy person, and she died. He said: "She is the seller's property."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرَ، عَنْ أَسْعَثَ، عَنْ الْحَكَمِ، فِي الرَّجُلِ يَشْتَرِي الْجَارِيَةَ فَيَقُولُ الْأَبَائُ: لَا أُدْفِعُهَا إِلَيْكَ حَتَّى تَحِيضَ، فَوُضِعَتْ عَلَى يَدَيْ عَذْلٍ، فَمَاتَتْ فَقَالَ: هِيَ مَالُ الْأَبَائِ

[21115] Abu Bakr said: Muḥammad ibn Fuḍayl told us from Zakariyyā, from 'Amir, that he was asked about a man who bought a slave girl and claimed she was pregnant, but the seller denied it. They placed the slave girl in the custody of a trustworthy person until her pregnancy became evident, but she died. He said: "If her pregnancy was not evident, she is the buyer's property."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ فُضَيْلٍ، عَنْ زَكَرِيَّاَ، عَنْ عَامِرٍ، أَنَّهُ سُئِلَ عَنْ رَجُلٍ اشْتَرَى جَارِيَةً فَرَأَعَمْ أَنَّهَا حُبْلِيَّ، فَأَنْكَرَ الَّذِي بَاعَهَا، فَوَضَعُوا الْجَارِيَةَ عَلَى يَدَيْ عَذْلٍ حَتَّى تَبَيَّنَ حَمْلُهَا فَمَاتَتْ، فَقَالَ: إِنْ كَانَ لَمْ يَتَبَيَّنْ حَمْلُهَا فَهُوَ مِنْ مَالِ الْمُشْتَرِي

[21116] Abu Bakr said: Wakī' told us from Isrā'īl, from Jābir, from 'Āmir and Al-Ḥakam regarding a man who sold a slave girl and a defect was discovered, so he placed her in the custody of a trustworthy person and she died. They said: "She is the seller's property."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، وَالْحَكَمِ، فِي رَجُلٍ بَاعَ جَارِيَةً فَظَفَرَ بِعَيْنٍ، فَوَضَعَهَا عَلَى بَدَيْهِ عَذْلٍ فَمَاتَتْ، قَالَ: هِيَ مِنْ مَالِ الْبَاعِ

[21117] Abu Bakr said: Hushaym told us from Ḥuṣayn, who said: I witnessed the wedding of 'Abbās ibn Tammām ibn 'Abbās ibn 'Abd al-Muṭṭalib, and 'Ikrimah was with us. They brought almonds and sugar to scatter. 'Ikrimah said: "Bring it to us on trays so we can take what we need."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ حُصَيْنٍ، قَالَ: شَهِدْتُ مِلَّا كَعَبَاسِ بْنِ ثَمَّامَ بْنِ عَبَّاسِ بْنِ عَبْدِ الْمُطَّلِبِ وَمَعَنَا عِكْرَمَةُ، فَجَاءُوا بِاللُّوزِ وَالسُّكُرِ لِيَتَّرُوْهُ، فَقَالَ عِكْرَمَةُ: اثْنُونَا بِهِ عَلَى الْأَطْبَاقِ، فَلَنَخُذْ مِنْهُ حَاجَتَنَا

[21118] Abu Bakr said: Hushaym told us from Yūnus, from Al-Ḥasan, that he saw no harm in scattering [sweets] at weddings and banquets.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ يُونُسَ، عَنْ الْحَسَنِ، أَنَّهُ كَانَ لَا يَرَى بَأْسًا بِالنَّتَارِ فِي الْعُرُسَاتِ وَالْوَلَامِ

[21119] Abu Bakr said: Hushaym told us from Yūnus, from Al-Ḥasan, from Ibn Sīrīn, that he liked for it to be brought on trays so they could take what they needed.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ يُونُسَ، عَنْ الْحَسَنِ، عَنْ ابْنِ سِيرِينَ، أَنَّهُ كَانَ يُحِبُّ أَنْ يُؤْتَى بِهِ عَلَى الْأَطْبَاقِ، فَيَتَأْلُوْنَ مِنْهُ حَاجَتَهُمْ

[21120] Abu Bakr said: Hushaym told us from Mughīrah, from Al-Sha'bī, that he saw no harm [in it].

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنِ
الشَّعَيْفِيِّ، أَنَّهُ كَانَ لَا يَرَى بِأَسَا

[21121] Abu Bakr said: Ḥafṣ ibn Ghīyāth told us from Al-A'mash, from Mūsā ibn 'Abdullāh ibn Yazīd, who said: 'Abd al-Rahmān ibn Abī Laylā invited me to a wedding. They brought sugar to scatter, and he said: "Divide it among them."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غَيَاثٍ، عَنِ
الْأَعْمَشِ، عَنْ مُوسَى بْنِ عَبْدِ اللَّهِ بْنِ يَزِيدَ، قَالَ:
دَعَانِي عَبْدُ الرَّحْمَنِ بْنُ أَبِي لَيْلَى إِلَى عُرْسٍ، فَجَاءُوا
بِسُكَّرٍ لِيُتَثْرُوُهُ، فَقَالَ: افْسِمُوهُ بَيْنَهُمْ

[21122] Abu Bakr said: Ibn Abī Zā'idah told us from Al-A'mash, from Mūsā ibn 'Abdullāh ibn Yazīd al-Anṣārī, who said: I witnessed a wedding, and sugar was brought to scatter. 'Abd al-Rahmān ibn Abī Laylā said: "Leave it and divide it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبْنُ أَبِي زَائِدَةَ، عَنِ
الْأَعْمَشِ، عَنْ مُوسَى بْنِ عَبْدِ اللَّهِ بْنِ يَزِيدَ الْأَصْصَارِيِّ،
قَالَ: شَهِدْتُ مِلَّا كَفِيَءَ بِسُكَّرٍ لِيُتَثْرُوُهُ، فَقَالَ عَبْدُ
الرَّحْمَنِ بْنُ أَبِي لَيْلَى: دُعْوَهُ فَاقْسِمُوهُ

[21123] Abu Bakr said: Waki' told us from Sufyān, from his father, from Al-Musayyib ibn Rāfi', from 'Abdullāh ibn Yazīd al-Khiṭmī regarding scattering walnuts. He said: "If you place it, we will take from it, but if you scatter it, we will not take from it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُعِيَانَ، عَنْ أَبِيهِ،
عَنِ الْمُسَيْبِ بْنِ رَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ يَزِيدَ الْخِطْمِيِّ
فِي نَثْرِ الْجَوْزِ، قَالَ: إِنْ وَضَعْتُمُوهُ أَصَبَّنَا مِنْهُ، وَإِنْ
نَثَرْتُمُوهُ لَمْ نُصِبْ مِنْهُ

[21124] Abu Bakr said: Waki' told us from Isrā'il, from Jābir, from Abū Ja'far, who said: "I met righteous men who disliked eating what was scattered."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ أَبِي جَعْفَرٍ، قَالَ: أَدْرَكْتُ رِجَالًا صَالِحِينَ يَكْرَهُونَ أَكْلَ مَا تُثْرَ

[21125] Abu Bakr said: Ibn Abī Zā'idah told us from Ḥajjāj, from Al-Ḥakam, from Ibrāhīm, that he disliked snatching walnuts and sugar. He said: And 'Āmir said: "There is no harm; only what the owner is not pleased with is disliked."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ حَاجَاجٍ، عَنِ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، أَنَّهُ كَرِهَ اتِّهَابَ الْجَوْزِ وَالسُّكْرِ. قَالَ: وَقَالَ عَامِرٌ: لَا بَأْسَ، إِنَّمَا كَرِهَ مَا لَمْ يَطِبْ بِهِ نَفْسُ صَاحِبِهِ

[21126] Abu Bakr said: Waki' told us: Isrā'il told us from Abū Ḥuṣayn, from Abū Mas'ud al-Anṣārī, that when things were scattered for children, he would prevent his children [from taking] and would buy for them.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ، عَنْ أَبِي حُصَيْنٍ، عَنْ أَبِي مَسْعُودِ الْأَنْصَارِيِّ، أَنَّهُ كَانَ إِذَا نُثِرَ عَلَى الصَّبَيْنَ مَنَعَ صِبَيْنَهُ، وَاشْتَرَطَ لَهُمْ

[21127] Abu Bakr said: Muḥammad ibn Abī 'Adī told us from Sufyān, from Abū Ḥuṣayn, from Khālid ibn Sa'd, that Abū Mas'ud disliked snatching sugar for children.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنْ سُفْيَانَ، عَنْ أَبِي حُصَيْنٍ، عَنْ خَالِدِ بْنِ سَعْدٍ، أَنَّ أَبَا مَسْعُودِ، كَرِهَ نَهَابُ السُّكْرِ عَلَى الصَّبَيْنِ

[21128] Abu Bakr said: Waki' told us: Shu'bah told us from Al-Hakam, who said: I was walking between Ibrāhīm and Al-Sha'bī, and he was asked about snatching sugar at weddings. Ibrāhīm disliked it, but Al-Sha'bī saw no harm in it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا شُعْبَهُ، عَنِ الْحَكَمِ، قَالَ: كُنْتُ أَمْشِي بَيْنَ إِبْرَاهِيمَ وَالشَّعْبِيِّ فَسُئِلَ عَنْ نِهَابِ السُّكْرِ فِي الْعُرْسِ فَكَرِهَ إِبْرَاهِيمُ، وَلَمْ يَرَ الشَّعْبِيَّ بِهِ بِأَسَا

[21129] Abu Bakr said: Ibn Idrīs told us from Ḥuṣayn, from 'Ikrimah, that he disliked scattering sugar.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ حُصَيْنِ، عَنْ عِكْرِمَةَ، أَنَّهُ كَرِهَ تَنَزُّ السُّكْرِ

[21130] Abu Bakr said: Hātim ibn Ismā'il told us from Ḥumayd ibn Ṣakhr, from 'Ammār al-Duhnī, from Sa'īd ibn Jubayr, from Abū al-Sahbā', from 'Abdullāh ibn Mas'ūd, that he was asked about it (the verse {and of the people is he who buys the amusement of speech} [Luqman: 6]), and he said: "It is singing, by the One besides Whom there is no god."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ، عَنْ حُمَيْدِ بْنِ صَخْرٍ، عَنْ عَمَّارِ الدُّهْنِيِّ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ أَبِي الصَّهْبَاءِ، عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ، أَنَّهُ سُئِلَ عَنْهَا فَقَالَ: الْغِنَاءُ، وَالَّذِي لَا إِلَهَ إِلَّا هُوَ

[21131] Abu Bakr said: Waki' told us from Ibn Abī Laylā, from Al-Hakam, from Miqsam, from Ibn 'Abbās, who said: "[It refers to] singing and buying a singing girl."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنِ ابْنِ أَبِي لَيْلَى، عَنِ الْحَكَمِ، عَنْ مِقْسَمٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: الْغِنَاءُ، وَشُرْبُ الْمُغَنَّةِ

[21132] Abu Bakr said: Ibn 'Ulayyah told us from Layth, from Mujāhid, who said: "It is singing, and singing is part of it, and listening to it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهِ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ، قَالَ: هُوَ الْغِنَاءُ، وَالْغِنَاءُ مِنْهُ، وَالإِسْتِمَاعُ إِلَيْهِ

[21133] Abu Bakr said: 'Abdah ibn Sulaymān told us from Ismā'il ibn Abī Khālid, from Shu'ayb, from 'Ikrimah, who said: "It is singing."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنْ شُعَيْبٍ، عَنْ عِكْرِمَةَ، قَالَ: هُوَ الْغِنَاءُ

[21134] Abu Bakr said: Waki' told us from Usāmah ibn Zayd, who said: I heard 'Ikrimah saying: "It is singing."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ أَسَامَةَ بْنِ رَيْدٍ، قَالَ: سَمِعْتُ عِكْرِمَةَ، يَقُولُ: هُوَ الْغِنَاءُ

[21135] Abu Bakr said: Waki' told us from Shu'bāh, from Al-Ḥakam, from Mujāhid, who said: "It is singing."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ الْحَكَمِ، عَنْ مُجَاهِدٍ، قَالَ: هُوَ الْغِنَاءُ

[21136] Abu Bakr said: Waki' told us from Sufyān, from Ḥabīb, who said: "It is singing."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ حَبِيبٍ، قَالَ: هُوَ الْغِنَاءُ

[21137] Abu Bakr said: Abū Fuḍayl told us from 'Aṭā', from Sa'īd ibn Jubayr, from Ibn 'Abbās, who said: "It is singing and the like."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو فُضَيْلٍ، عَنْ عَطَاءٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: هُوَ الْغِنَاءُ وَنَحْوُهُ

[21138] Abu Bakr said: Waki' told us: Sufyān told us from Ḥabīb ibn Abī Thābit, from Mujāhid and Ibrāhīm: Ibrāhīm said: "Singing sprouts hypocrisy in the heart." He said: And Mujāhid said regarding {And of the people is he who buys the amusement of speech} [Luqman: 6]: "[It refers to] singing."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ حَبِيبِ بْنِ أَبِي ثَابِتٍ، عَنْ مُجَاهِدٍ، وَإِبْرَاهِيمَ: قَالَ
إِبْرَاهِيمُ: الْغَنَاءُ يُنْبِتُ النَّفَاقَ فِي الْقَلْبِ. قَالَ: وَقَالَ
مُجَاهِدٌ: {وَمِنَ النَّاسِ مَنْ يَشْرِي لَهُوَ الْحَدِيثُ} [لِقَمانَ:
الْغَنَاءُ : 6]

[21139] Abu Bakr said: Ismā'il ibn 'Ulayyah told us from Ibn 'Awn, who said: Al-Miswar ibn Yazīd told us that a woman found a lost boy and spent on him until he grew up, then she demanded her expenses. It was written to 'Umar ibn 'Abd al-'Azīz regarding that, who said: "Ask her to swear that she did not spend on him seeking reward [from Allah]. If she swears, she is compensated."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ ابْنُ عُلَيَّةَ، عَنْ ابْنِ
عَوْنَى، قَالَ: حَدَّثَنَا الْمِسْوَرُ بْنُ يَزِيدٍ، أَنَّ امْرَأَةً التَّقَطَّعَتْ
صَبَّيْاً، فَانْفَقَتْ عَلَيْهِ، حَتَّى شَبَّ، ثُمَّ طَلَبَتْ نَفَقَتَهَا، فَكَتَبَ
فِي ذَلِكَ إِلَى عُمَرَ بْنِ عَبْدِ الْعَزِيزِ أَنَّ شَسْخَلَفَ أَنَّهَا لَمْ
تَنْفُقْ عَلَيْهِ احْتِسَابًا، فَإِنْ حَلَقَتْ اسْتَغْنَى

[21140] Abu Bakr said: Waki' told us from Sufyān, from Jābir, from 'Āmir regarding a man who spends on a foundling. He said: "He gets nothing."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ
جَابِرٍ، عَنْ عَامِرٍ، "فِي الرَّجُلِ يُنْفَقُ عَلَى الْقَيْطِ قَالَ:
لَا شَيْءَ لَهُ

[21141] Abu Bakr said: Ḥātim ibn Ismā'īl told us from Ja'far, from his father, from 'Alī, who said: "The foundling is free. If the one who raised him demands his expenses, and he [the foundling] is wealthy, he repays him. If he is not wealthy, what he spent on him is charity."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ، عَنْ جَعْفَرٍ، عَنْ أَبِيهِ، عَنْ عَلَيٌّ، قَالَ: الْمَنْبُودُ حُرٌّ، وَإِنْ طَلَبَ الَّذِي رَبَّاهُ نَفْقَهَهُ، وَكَانَ مُوسِرًا رَدَّ عَلَيْهِ، وَإِنْ لَمْ يَكُنْ مُوسِرًا، كَانَ مَا أَنْفَقَ عَلَيْهِ صَدَقَةً

[21142] Abu Bakr said: Abū Dāwūd al-Ṭayālīsī told us from Shu'bah, who said: Khālid ibn Abī al-Ṣalt informed me, saying: 'Umar ibn 'Abd al-'Azīz said to me: "'Umar ibn al-Khaṭṭāb judged regarding a child of zinā (illegitimate child) that his companion (guardian) deducts from what he served him, and whatever remains, he is compensated for." And I judged: He deducts from what he served him, and whatever remains, I pay it for him from the treasury (Bayt al-Māl).

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو دَاؤُدَ الطَّيَالِسِيُّ، عَنْ شُعْبَةَ، قَالَ: أَخْبَرَنِي خَالِدُ بْنُ أَبِي الصَّلَتِ، قَالَ: قَالَ لِي عُمَرُ بْنُ عَبْدِ الْعَزِيزِ: إِنَّ عُمَرَ بْنَ الْخَطَّابِ قَضَى فِي وَلَدِ الزَّنَّا أَنَّهُ يُقَاصُ صَاحِبُهُ بِمَا خَدَمَهُ، وَمَا بَقِيَ أَسْتَغْفِرُ لِهِ، وَقَضَيْتُ أَنَا: يُقَاصُهُ بِمَا خَدَمَهُ وَمَا بَقِيَ أَدَيْتُهُ عَنْهُ مِنْ بَيْتِ الْمَالِ

[21143] Abu Bakr said: 'Alī ibn Mushir told us from Dāwūd, from Al-Sha'bī, who said: A man lost a camel and found it with a man who had spent on it, fed it, and fattened it. They disputed before 'Umar ibn 'Abd al-'Azīz while he was the governor of Medina. He ruled that the camel belonged to its owner and ruled that he must pay the expenses. Al-Sha'bī said: I did not like that, and said: "The man takes his camel and owes no expenses."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ دَاؤِدَ،
عَنْ الشَّعْبِيِّ، قَالَ: أَصْنَلَ رَجُلٌ بَعِيرًا فَوَجَدَهُ عِنْدَ رَجُلٍ
قَدْ أَنْفَقَ عَلَيْهِ، أَعْلَفَهُ وَأَسْمَنَهُ، فَاخْتَصَّمَا إِلَى عُمَرَ بْنِ
عَبْدِ الْعَزِيزِ وَهُوَ يَوْمَئِذٍ أَمِيرُ الْمُدِينَةِ، فَقَضَى
إِصْحَابُ الْبَعِيرِ بِبَعِيرِهِ، وَقَضَى عَلَيْهِ بِالنَّفَقةِ. قَالَ
الشَّعْبِيُّ: فَلَمْ يُعْجِبْنِي ذَلِكُ، وَقَالَ: يَأْخُذُ الرَّجُلُ بَعِيرَهُ
وَلَا نَفَقَةَ عَلَيْهِ

[21144] Abu Bakr said: Ḥātim ibn Ismā'īl told us from Ja'far, from his father, who said: I heard Al-Nu'mān ibn Murrah narrating from Sa'īd ibn al-Musayyib, who said: I saw 'Alī build a pen for lost animals. He would feed them fodder that neither fattened them nor made them lean, from the treasury. They would crane their necks. Whoever established proof for something took it, otherwise he left them as they were and did not sell them. Sa'īd ibn al-Musayyib said: "If I were in charge of the Muslims' affairs, I would do likewise."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ، عَنْ جَعْفَرٍ، عَنْ أَبِيهِ، قَالَ: سَمِعْتُ النُّعْمَانَ بْنَ مُرَّةً، يُحَدِّثُ عَنْ سَعِيدِ بْنِ الْمُسِيَّبِ، قَالَ: رَأَيْتُ عَلَيْهِ بَأْيَ لِلضَّوْالِ مِرْبَدًا، فَكَانَ يَعْلَفُهَا عَلَفًا لَا يُسَمِّنُهَا وَلَا يُهْزِلُهَا مِنْ بَيْتِ الْمَالِ، فَكَانَتْ شَرْفُ بِأَعْنَاقِهَا، فَمَنْ أَقَامَ بَيْتَهُ عَلَى شَيْءٍ أَخَذَهُ وَإِلَّا أَفْرَاهَا عَلَى حَالِهَا لَا يَبْيَعُهَا. فَقَالَ سَعِيدُ بْنُ الْمُسِيَّبِ: لَوْ وُلِيَتْ أَمْرَ الْمُسْلِمِينَ صَنَعْتُ هَكَذَا

[21145] Abu Bakr said: Jarīr told us from Mughīrah, from Ibrāhīm, who said: "One of their most beloved sales to me is the sale by marking (selling goods with a marked price)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: مِنْ أَحَبِّ بَيْوَعْمِ إِلَيَّ بَيْعَ الرَّقْمِ

[21146] Abu Bakr said: Waki' told us from Sufyān, from Wāṣil, from Ṭāwūs that he disliked the sale by marking, and said: "I dislike embellishing my commodity with falsehood."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُقْيَانَ، عَنْ وَاصِلٍ، عَنْ طَاؤِسٍ أَنَّهُ كَرِهَ بَيْعَ الرَّقْمِ، وَقَالَ: إِنِّي أَكْرَهُ أَنْ أُرَيَنَ سُلْعَتِي بِالْكَذْبِ

[21147] Abu Bakr said: Ibn 'Ulayyah told us from Ibn 'Awn, from Ibn Sirīn, that he used to say: "A man marks his goods as he wishes, then says: I only marked it to bargain with you, then sells it at a discount: ten for nine."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ ابْنِ عَوْنِ، عَنْ ابْنِ سِيرِينَ، أَنَّهُ كَانَ يَقُولُ: "يُرَقِّمُ الرَّجُلُ مَتَاعَهُ مَا شَاءَ، ثُمَّ يَقُولُ: إِنَّمَا رَقَمْتُهُ لِأَسَاوِمَكُمْ بِهِ، ثُمَّ يَبِيعُهُ مُنَاقِصَةً: الْعَشَرَةُ بِسِعَةٍ

[21148] Abu Bakr said: Kathīr ibn Hishām told us from Ja'far ibn Burqān, who said: 'Abd al-Malik ibn Abī al-Qāsim told us, saying: I asked Nāfi' and Rabī'ah, saying: We buy cloth, then add to its price, then mark it on it, then sell it as Murābahah (cost-plus profit) without revealing the increase. He said: "No, this is deception and lying."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا كَثِيرُ بْنُ هِشَامٍ، عَنْ جَعْفَرِ بْنِ بُرْقَانَ، قَالَ: حَدَّثَنَا عَبْدُ الْمَالِكِ بْنُ أَبِي الْقَاسِمِ، قَالَ: سَأَلْتُ نَافِعًا وَرَبِيعَةَ، فَقُلْتُ: نَسْرِي الْبَرَّ ثُمَّ نَزِيدُ عَلَيْهِ فَوْقَ نَمْنَهِ، ثُمَّ نُرَقِّمُهُ عَلَيْهِ ثُمَّ نَبِيعُهُ مُرَابَحَةً وَلَا يُبَيِّنُ الرِّيَادَةَ، فَقَالَ: لَا، هَذِهِ الْمُخَالَبَةُ، وَالْمَكَانِبَةُ

[21149] Abu Bakr said: Ibn Abī Za'idah told us from Isrā'il, from Mughīrah, from Ibrāhīm, who said: "There is no harm in marking the clothes and then saying: I sell to you based on this marking of mine as Murābahah, without revealing the increase." He said: "No, this is deception and lying."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ إِسْرَائِيلَ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا بَأْسَ أَنْ يَرْسُمَ الثِّيَابَ ثُمَّ يَقُولَ أَبِيْكُمْ عَلَى رَسْمِي هَذَا مُرَابَحَةً، وَلَا يُبَيِّنُ الزِّيَادَةَ فَقَالَ: لَا، هَذِهِ الْمُخَالَبَةُ وَالْمَكَانِبَةُ

[21150] Abu Bakr said: Ibn Abī Zā'īdah told us from Isrā'il, from Abū 'Utbah, from Al-Ḥakam, that he said that, and said: "It is only like bargaining."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ إِسْرَائِيلَ، عَنْ أَبِي عُتْبَةَ، عَنِ الْحَكَمِ، أَنَّهُ قَالَ ذَلِكَ: وَقَالَ: إِنَّمَا هُوَ شِبْهُ الْمُسَاوَمَةِ

[21151] Abu Bakr said: Abū al-Aḥwāṣ told us from Abū Iṣhāq, from Al-Sha'bī, who said: A man claimed a mule in another man's possession and established proof that it was his. The one who had it in his possession established proof that he bred it. Shurayh judged it for the one in whose possession it was.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصَ، عَنْ أَبِي إِسْحَاقَ، عَنِ الشَّعْبِيِّ، قَالَ: ادْعَى رَجُلٌ بَعْلًا فِي يَدِ رَجُلٍ، وَأَقامَ الْبَيِّنَةَ أَنَّهُ لَهُ، وَأَقامَ الَّذِي هُوَ فِي يَدِهِ الْبَيِّنَةَ أَنَّهُ أَنْتَجَهُ، فَقَضَى بِهِ شُرَيْحٌ لِلَّذِي هُوَ فِي يَدِهِ

[21152] Abu Bakr said: Abū Bakr ibn 'Ayyāsh told us from Abū Ḥuṣayn, who said: A dispute was brought to 'Abdullāh ibn 'Utbah regarding livestock while I was with him. Each of them established proof that it was his. I saw 'Abdullāh ibn 'Utbah moving them with his hand and saying: "It belongs to the possessor, it belongs to the one in whose hand it is."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو بَكْرٌ بْنُ عَيَّاشٍ، عَنْ أَبِي حُصَيْنٍ، قَالَ: اخْتَصَمَ إِلَيْهِ عَبْدُ اللَّهِ بْنُ عُتْبَةَ فِي الْوَالِي وَأَنَا عِنْدُهُ، فَأَقَامَ كُلُّ وَاحِدٍ مِنْهُمَا الْبَيِّنَةَ أَنَّهَا لَهُ، قَالَ: فَرَأَيْتُ عَبْدَ اللَّهِ بْنَ عُتْبَةَ يُحَرِّكُهُنَّ بِيَدِهِ وَيَقُولُ: هِيَ الْمُنَمَّكُ، هِيَ لِلَّذِي فِي يَدِهِ

[21153] Abu Bakr said: Ibn Abī Zā'īdah told us from Ḥajjāj, from Al-Ḥakam, who said: A mule was found in Nahrayn. Each party established proof that it was theirs. 'Abdullāh ibn 'Utbah judged: "It belongs to the ones in whose hands it is."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ حَجَاجِ عَنِ الْحَكَمِ، قَالَ: وُجِدَ بَعْلُ فِي النَّهَرَيْنِ، فَلَقِمَ كُلُّ فِرْقَةٍ الْبَيْتَنَاهُ لَهُمْ، فَقَضَى بِهِ عَبْدُ اللَّهِ بْنُ عُثْمَانَ: هُوَ لِلَّذِي فِي أَيْدِيهِمْ

[21154] Abu Bakr said: Yaḥyā ibn Abī Zā'īdah told us from Ḥajjāj, from Hammād, from Ibrāhīm, who said: "If the evidence is equal, it belongs to the one in whose possession it is."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَبِي زَائِدَةَ، عَنْ حَجَاجِ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا اسْتَوَتِ الْبَيْتَنَاهُ فَهُوَ لِلَّذِي فِي أَيْدِيهِمْ

[21155] Abu Bakr said: Jarīr told us from Mughīrah, from Ibrāhīm, who said: If two witnesses testify that this animal belongs to So-and-so and was bred by him, and two witnesses testify that it belongs to So-and-so and was bred by him, "it belongs to the one in whose possession it is."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا شَهَدَ شَاهِدَانِ أَنَّ هَذِهِ الدَّابَّةَ لِفُلَانِ وَنَتَجَتْ عِنْهُ، وَشَهَدَ شَاهِدَانِ أَنَّهَا لِفُلَانِ وَنَتَجَتْ عِنْهُ، فَهُوَ لِلَّذِي فِي يَدِهِ

[21156] Abu Bakr said: Ḥumayd ibn 'Abd al-Rāḥmān told us from Ḥasan ibn Ṣalīḥ, from Ash'ath, from Al-Hakam regarding a man who has a garment in his possession, and another man establishes proof that it is his garment, and the one in possession establishes proof that it is his garment. He said: "It belongs to the one in whose possession it is." And regarding an animal where one establishes proof and the possessor establishes proof that it is his animal, he said: "It belongs to the one in whose possession it is."

[21157] Abu Bakr said: Abū al-Āḥwāṣ told us from Simāk, from Tamīm ibn Ṭarafah, that two men claimed a camel, and each established proof that it was his. The Prophet ﷺ judged that it belonged to both of them.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ حَسَنِ بْنِ صَالِحٍ، عَنْ أَشْعَثَ، عَنِ الْحَكَمِ فِي الرَّجُلِ يَكُونُ فِي يَدِهِ التَّوْبَ، فَيُقِيمُ الرَّجُلُ الْبَيِّنَةَ أَنَّهُ تَوْبَهُ، وَيُقِيمُ الَّذِي فِي يَدِهِ الْبَيِّنَةَ أَنَّهُ تَوْبَهُ، فَقَالَ: هُوَ لِلَّذِي فِي يَدِهِ وَقَالَ فِي الدَّابَّةِ يُقِيمُ هَذَا الْبَيِّنَةَ، وَيُقِيمُ الَّذِي فِي يَدِهِ الْبَيِّنَةَ أَنَّهَا دَابَّةُهُ، قَالَ: هِيَ لِلَّذِي فِي يَدِهِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ سِمَاكٍ، عَنْ ثَمِيمِ بْنِ طَرَفَةَ، أَنَّ رَجُلَيْنِ ادَّعَيَا بَعِيرًا، فَاقْتَامَ كُلُّ وَاحِدٍ مِنْهُمَا الْبَيِّنَةَ أَنَّهُ لَهُ، فَقَضَى بِهِ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ بَيِّنُهُمَا

[21158] Abu Bakr said: Waki' told us from Sufyān, from 'Alqamah ibn Marthad, from 'Abd al-Rahmān ibn Abī Laylā, from Abū al-Dardā', that two men disputed before him regarding an animal, and each established proof that it was his. He judged it between them and said: "How much you need something like the chain of the Children of Israel!"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عَلْقَمَةَ بْنِ مَرْئِدٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى، عَنْ أَبِي الدَّرْدَاءِ، أَنَّ رَجُلَيْنِ اخْتَصَمَا إِلَيْهِ فِي دَابَّةٍ، فَأَقَامَ كُلُّ وَاحِدٍ مِنْهُمَا الْبَيِّنَةَ أَنَّهَا لَهُ، فَقَضَى بِهِ بَيِّنَهُمَا وَقَالَ: مَا كَانَ أَخْوَجَكُمَا إِلَى مِثْلِ سِلْسِلَةِ بَنِي إِسْرَائِيلَ.

[21159] Abu Bakr said: 'Abdah told us from Shu'bah, from Qatādah, from Sa'īd ibn Abī Burdah, from his father, from Abū Mūsā, from the Prophet ﷺ, similar to the ḥadīth of 'Abdah from Sa'īd.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدَهُ، عَنْ شُعْبَةَ، عَنْ قَنَادَةَ، عَنْ سَعِيدِ بْنِ أَبِي بُرْدَةَ، عَنْ أَبِيهِ، عَنْ أَبِي مُوسَىَ، عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَمِثُلُ حَدِيثَ عَبْدَهُ عَنْ سَعِيدِ

[21160] Abu Bakr said: Khālid ibn al-Ḥārith told us from Ibn Abī 'Arūbah, from Qatādah, from Khilās, from Abū Rāfi', from Abū Hurayrah, that two men disputed before the Prophet ﷺ regarding an animal and neither had proof. The Messenger of Allah ﷺ ordered them to cast lots for the oath.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ، عَنْ أَبْنَ أَبِي عَرْوَةَ، عَنْ قَنَادَةَ، عَنْ خَلَاسٍ، عَنْ أَبِي رَافِعٍ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَجُلَيْنِ اخْتَصَمَا إِلَيْهِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي دَابَّةٍ وَلَيْسَ بَيِّنَهُمَا بَيِّنَةٌ، فَأَمَرَهُمَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ يَسْتَهِمَا عَلَى الْبَيِّنَيْنِ

[21161] Abu Bakr said: Ibn Abī Zā'idah told us from 'Abd al-Malik, from 'Atā' regarding a man who was owed dirhams by another man. When they became due, he said: Keep them as Muḍārabah (profit-sharing partnership). He said: "It is not proper until he takes possession of them from him, then gives them back to him if he wishes."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ فِي رَجُلٍ كَانَتْ لَهُ عَلَى رَجُلٍ دَرَاهِمٌ، فَلَمَّا حَلَّتْ قَالَ: أَمْسِكُهَا مُضَارَبَةً، قَالَ: لَا تَصْلُحُ حَتَّى يَقْبِضَهَا مِنْهُ ثُمَّ يَدْفَعَهَا إِلَيْهِ إِنْ شَاءَ

[21162] Abu Bakr said: Ibn Idrīs told us from Hishām, from Al-Ḥasan, who said: "A deposit is like a loan; it cannot be given as Muḍārabah until it is possessed."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، قَالَ: الْوَدِيعَةُ مِثْلُ الْقَرْضِ، لَا تُنْدَعُ مُضَارَبَةً حَتَّى تُقْبَضَ

[21163] Abu Bakr said: Jarīr told us from Mughīrah, from Al-Ḥārith regarding a man who was owed dirhams by another man and said to him: Buy me something with them. He said: "There is no harm. If what he bought for him perishes, his proof is that he bought it, otherwise he is not believed that he bought it for him. If it was Muḍārabah, he should not buy anything for him with it until he takes possession of it or gives it to a representative of his."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنِ الْحَارِثِ فِي رَجُلٍ كَانَ لَهُ عَلَى رَجُلٍ دَرَاهِمٌ فَقَالَ لَهُ: اشْتَرِ لِي بِهَا شَيْئًا فَقَالَ: لَا بَأْسَ، وَإِنْ هَلَكَ الَّذِي اشْتَرَ لَهُ فَبَيْتُهُ أَنَّهُ اشْتَرَى، وَإِلَّا لَمْ يُصَدِّقْ أَنَّهُ اشْتَرَ أَلَهُ، وَإِنْ كَانَتْ مُضَارَبَةً، فَلَا يُشْتَرِي لَهُ بِهَا شَيْئًا حَتَّى يَقْبِضَهَا، أَوْ يُعْطِيهَا وَلِيًّا لَهُ

[21164] Abu Bakr said: Jarīr told us from Mughīrah, from Ibrāhīm, who said: "It is disliked, if he has a debt owed by a man, to make it a salam (advance payment) with him for something until he takes possession of it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: يُكْرَهُ إِذَا كَانَ لَهُ عَلَى الرَّجُلِ دَيْنٌ، أَنْ يُسْلِمَهُ إِلَيْهِ فِي شَيْءٍ، حَتَّى يَقْبِضَهُ

[21165] Abu Bakr said: Waki' told us from Isrā'il, from Al-Sha'bī regarding a man who was owed a debt by another man and made it a salam with him. He said: "No, until he takes possession of it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنِ الشَّعْبِيِّ فِي رَجُلٍ كَانَ لَهُ عَلَى رَجُلٍ دَيْنٌ فَأَسْلَمَهُ إِلَيْهِ، قَالَ: لَا، حَتَّى يَقْبِضَهُ

[21166] Abu Bakr said: Ibn Mahdī told us from Abū Shihāb, from Al-'Alā' ibn al-Musayyib, from Al-Ḥakam, who said: "Muḍārabah can be converted into debt, but debt cannot be converted into Muḍārabah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ أَبِي شِهَابٍ، عَنِ الْعَلَاءِ بْنِ الْمُسَيْبِ، عَنِ الْحَكَمِ، قَالَ: ثُصْرَفُ الْمُضَارَبَةُ فِي الدِّينِ، وَلَا يُصْرَفُ الدِّينُ فِي الْمُضَارَبَةِ

[21167] Abu Bakr said: Waki' told us: Shaqīq ibn Salamah Abū Wā'il told us, saying: I heard Ibn 'Umar being asked about a man who was owed a debt by another man and wanted to make it a salam with him for food. He disliked it and said: "No, until he takes possession of it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا شَقِيقُ بْنُ سَلَمَةَ أَبُو وَائِلٍ، قَالَ: سَمِعْتُ ابْنَ عُمَرَ سُؤْلَ عَنْ رَجُلٍ كَانَ لَهُ عَلَى رَجُلٍ دِينٌ، فَأَرَادَ أَنْ يُسْلِمَ إِلَيْهِ فِي طَعَامٍ فَكَرِهَهُ وَقَالَ: لَا، حَتَّى يَقْضِهُ

[21168] Abu Bakr said: 'Abd al-Wahhāb al-Thaqafī told us from Ayyūb, from Ibn Sīrīn, from 'Uthmān, that he judged regarding a garment bought by a man which had a defect, that he returns it even if he has worn it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ الثَّقَافِيُّ، عَنْ أَيُوبَ، عَنْ ابْنِ سِيرِينَ، عَنْ عُثْمَانَ أَنَّهُ قَضَى فِي الْتَّوْبِ يَشْتَرِيهِ الرَّجُلُ، وَبِهِ عَوَارٌ أَنَّهُ يَرُدُّهُ إِذَا كَانَ قَدْ لَبِسَهُ

[21169] Abu Bakr said: 'Abd al-A'lā told us from Yūnus, from Al-Ḥasan regarding a man who buys a garment and then sees a defect in it. He said: "He deducts from its price what corresponds to that defect."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنِ الْحَسَنِ فِي رَجُلٍ يَشْتَرِي تُوبَةً ثُمَّ رَأَى فِيهِ عَوَارًا، قَالَ: يَحْكُمُ عَنْهُ مِنْ ثَمَنِهِ مَا يَضَعُ ذَلِكَ الْعَوَارَ

[21170] Abu Bakr said: Muḥammad ibn Abī 'Adī told us from Ibn 'Awn, from Muḥammad, who used to say regarding a man who buys a garment and sees a defect in it: "If its condition has changed, I prefer that he keeps it and deducts the amount of the defect."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنْ ابْنِ عَوْنَى، عَنْ مُحَمَّدٍ، قَالَ: كَانَ يَقُولُ فِي الرَّجُلِ يَشْتَرِي التُّوْبَةَ فَإِنَّهُ لِغَارِي إِذَا تَعَيَّنَ عَنْ حَالِهِ، أَحَبُّ إِلَيَّ أَنْ يُجَوَّرَ، وَيَحْكُمُ عَنْهُ قَدْرَ الْعَوَارِ

[21171] Abu Bakr said: Ḥafṣ told us from Al-Ḥasan ibn 'Ubaydullāh, from Ibrāhīm, from Shurayḥ, that two men disputed before him; one bought a Herat cloth from the other and cut it, then found a defect in it. Shurayḥ said to him: "What you have done to it is worse than what was wrong with it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَصْنُ، عَنِ الْحَسَنِ بْنِ عُبَيْدِ اللَّهِ، عَنْ إِبْرَاهِيمَ، عَنْ شُرَيْحٍ أَنَّهُ أَخْتَصَمَ إِلَيْهِ رَجُلَانِ اشْتَرَى أَحَدُهُمَا مِنَ الْآخَرِ هَرَوِيَّةً فَقَطَّعَهَا، ثُمَّ وَجَدَ بِهَا عَيْنًا، فَقَالَ لَهُ شُرَيْحٌ: الَّذِي أَحْدَثَتْ بِهَا، أَسْدُ مِنَ الْذِي كَانَ بِهَا

[21172] Abu Bakr said: Ghundar told us from Shu'bah, who said: I asked Al-Hakam about a man who bought a garment, cut it, and then found a defect in it. He said: "He returns it." I asked Ḥammād, and he said: "He returns it and pays compensation for the cutting." Shu'bah said: Al-Haytham informed me from Ḥammād that he said: "The compensation for the defect is deducted for him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، قَالَ:
سَأَلْتُ الْحَكَمَ عَنْ رَجُلٍ اشْتَرَى نَوْبَاً، فَقَطَعَهُ، فَوَجَدَ بِهِ
عَوَارًا، قَالَ: يَرُدُّهُ. وَسَأَلْتُ حَمَّادًا، فَقَالَ: يَرُدُّهُ وَيَرُدُّ
مَعْهُ أَرْشَ النَّفَطِيْعِ. قَالَ شُعْبَةُ: وَأَخْبَرَنِي الْهَمَيْمُ، عَنْ
حَمَّادٍ أَنَّهُ قَالَ: يُوضَعُ عَنْهُ أَرْشُ الْعَوَارِ

[21173] Abu Bakr said: Ghundar told us from Shu'bah, from Jabalah ibn Suḥaym, who said: "I saw Ibn 'Umar buy a shirt and wear it. Some yellow dye from his beard stained it, so he wanted to return it, but he did not return it because of the yellow stain."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ جَبَلَةَ
بْنِ سُحَيْمٍ، قَالَ: رَأَيْتُ ابْنَ عُمَرَ اشْتَرَى قَمِيسًا فَلَيْسَهُ،
فَأَصَابَتْهُ صُفْرَةٌ مِنْ لِحْيَتِهِ، فَأَرَادَ أَنْ يَرُدَّهُ فَلَمْ يَرُدَّهُ مِنْ
أَجْلِ الصُّفْرَةِ

[21174] Abu Bakr said: Waki' told us: Jarīr ibn Ḥāzim told us from Ibn Sīrīn, from 'Uthmān, who said: "Whoever buys a garment and finds a defect in it has the choice."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا جَرِيرُ بْنُ
حَازِمٍ، عَنْ ابْنِ سِيرِينَ، عَنْ عُثْمَانَ، قَالَ: مَنْ اشْتَرَى
نَوْبَاً فَوَجَدَ بِهِ عَيْنًا، فَهُوَ بِالْخِيَارِ

[21175] Abu Bakr said: 'Abdullāh ibn al-Mubārak told us from Ibn Jurayj, from Ibn Shihāb, who said: Abū Bakr ibn 'Abd al-Rahmān said: "Growth accompanies liability, meaning profit."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ، عَنِ ابْنِ جُرَيْجٍ، عَنْ ابْنِ شِهَابٍ، قَالَ: أَبُو بَكْرٌ بْنُ عَبْدِ الرَّحْمَنِ: النَّمَاءُ مَعَ الضَّمَانِ، يَعْنِي الرِّبْحَ

[21176] Abu Bakr said: Ibn Idrīs told us from Al-Shaybānī, from Al-Sha'bī, from Shurayh regarding a man who returns a slave because of a defect. He said: "He returns him, and the earnings belong to him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، عَنْ شُرَيْحٍ فِي الرَّجُلِ يَرْدُدُ الْعَبْدَ بِالَّدَاءِ قَالَ: يَرْدُدُهُ وَلَهُ الْأَغْلَى

[21177] Abu Bakr said: Ismā'īl ibn 'Ulayyah told us from Ibn 'Awn that a man bought a slave and used his earnings. Then a man came and claimed him, disputing before Iyās ibn Mu'āwiyah, and proved his right. He ruled in his favor for the slave and his earnings, and ruled for the man against the one he bought from for the equivalent of the slave and his earnings. He said: I mentioned that to Muḥammad ibn Sīrīn, and he said: "He is understanding."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ ابْنُ عُلَيَّةَ، عَنِ ابْنِ عَوْنِ، أَنَّ رَجُلًا اشْتَرَى عَبْدًا فَاسْتَغَلَهُ، ثُمَّ جَاءَ رَجُلٌ فَادْعَاهُ، فَخَاصَّمَهُ إِلَيْ إِيَّاسِ بْنِ مُعَاوِيَةَ، فَاسْتَحْفَفَهُ فَقَضَى لَهُ بِالْعَبْدِ وَبِغَنِيهِ، وَقَضَى لِلرَّجُلِ عَلَى صَاحِبِهِ الَّذِي اشْتَرَاهُ مِنْهُ بِمِثْلِ الْعَبْدِ وَبِمِثْلِ غَنِيهِ. قَالَ: فَذَكَرْتُ ذَلِكَ لِمُحَمَّدِ بْنِ سِيرِينَ، فَقَالَ: هُوَ فَهِمْ

[21178] Abu Bakr said: Mu'ādh ibn Mu'ādh told us from Ash'ath, from Al-Hasan regarding a man who bought a slave and discovered a defect after using his earnings. He said: "The earnings belong to the buyer."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعَاذُ بْنُ مُعَاذٍ، عَنْ أَشْعَثَ
عَنِ الْحَسَنِ، فِي رَجُلٍ اشْتَرَى عَبْدًا، وَاطَّلَعَ عَلَى
عَيْبٍ، وَقَدْ اسْتَغَلَهُ قَالَ: الْغَلَةُ لِلْمُشْتَرِي

[21179] Abu Bakr said: Ghundar told us from Shu'bah, from Hammād, who said: "The earnings belong to him due to liability."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ
حَمَّادٍ، قَالَ: الْغَلَةُ لِهِ بِالضَّمْنَانِ

[21180] Abu Bakr said: Jarīr told us from Mughīrah, from Al-Hārith al-'Ukli regarding a man who bought a house and used its earnings, then a man came and proved his right to it. He said: "Nothing of the earnings is given to him, meaning the claimant." And in its chain: "This applies to one who earned from his body."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ
الْحَارِثِ الْعُكْلِيِّ فِي رَجُلٍ اشْتَرَى ذَارًا، فَاسْتَعْلَمَهُ، ثُمَّ
جَاءَ رَجُلٌ فَاسْتَحْفَهَا، قَالَ: لَا يُجْعَلُ لَهُ مِنَ الْغَلَةِ شَيْءٌ،
يَعْنِي الْمُسْتَحْقَ وَفِي إِسْنَادِهِ هَذَا فِيمَنِ اسْتَعَلَ مِنْ بَدِينِهِ

[21181] Abu Bakr said: Waki' and Ibn Idris told us from Ibn Abi Dhi'b, from Makhlad ibn Khufaf, from 'Urwah, from 'A'ishah, who said: The Messenger of Allah ﷺ ruled that "Profit accompanies liability."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، وَابْنُ إِدْرِيسَ، عَنْ ابْنِ أَبِي ذِئْبٍ، عَنْ مَخْلِدِ بْنِ خُفَافٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ، قَالَتْ: فَضَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّ الْخَرَاجَ بِالضَّمَانِ

[21182] Abu Bakr said: 'Abdullāh ibn Numayr told us from 'Ubaydah, from Ibrāhīm, who said: "The earnings belong to him due to liability."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ نُمَيْرٍ، عَنْ عُبَيْدَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: لَهُ الْغَلَةُ بِالضَّمَانِ

[21183] Abu Bakr said: Zayd ibn al-Ḥubāb told us from Ibn Lahī'ah, from Yazid ibn Abi Ḥabīb regarding a man who sold his father's house, and the father was mortgaging. The son came to 'Umar ibn 'Abd al-'Azīz, who invalidated his sale and awarded him the house, saying: "Its earnings accompany its liability."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا زَيْدُ بْنُ الْحُبَابِ، عَنْ ابْنِ الْهِيْعَةِ، عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، فِي رَجُلٍ بَاعَ دَارًا لِأَبِيهِ، وَكَانَ الْأَبُ يُرْهِنُ، فَجَاءَ الابْنُ إِلَى عُمَرَ بْنَ عَبْدِ الْغَزِيزِ فَأَبْطَلَ بَيْعَهُ وَقَضَى لَهُ بِالْدَارِ، وَقَالَ: غَلَّثُهَا بِضَمَانِهَا

[21184] Abu Bakr said: Waki' told us: Ḥasan ibn Ṣāliḥ told us from Muṭarrif, from a man called Ḥajjāj, from Shurayḥ regarding a man who usurped a slave and used his earnings. He said: "He returns the earnings."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا حَسْنُ بْنُ صَالِحٍ، عَنْ مُطَرِّفٍ، عَنْ رَجُلٍ، يُقَالُ لَهُ حَاجَّ، عَنْ شُرَيْحٍ، فِي رَجُلٍ غَصَبَ عَنْهُ، فَاسْتَغَاثَهُ، قَالَ: يَرُدُّ الْغَلَةَ

[21185] Abu Bakr said: 'Abdah ibn Sulaymān told us from Sa'īd ibn Abī 'Arūbah, from Qatādah, from Sulaymān ibn Yasār, that Zayd ibn Thābit and Al-Zubayr ibn al-Awwām saw no harm in a man buying what is on the tops of palm trees when it appears, then selling it on the tops of palm trees before harvesting it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدِ بْنِ أَبِي عَرْوَبَةَ، عَنْ قَنَادَةَ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ رَيْدَ بْنَ ثَابِتٍ، وَالزُّبِيرُ بْنُ الْعَوَامِ: لَمْ يَرَيَا بَأْسًا أَنْ يَشْتَرِي الرَّجُلُ مَا فِي رُؤُوسِ النَّخْلِ إِذَا أَتَى، ثُمَّ يَبِيعُهُ فِي رُؤُوسِ النَّخْلِ قَبْلَ أَنْ يَصْرِمَهُ

[21186] Abu Bakr said: 'Abdah ibn Sulaymān told us from Sa'īd, from Qatādah, from 'Ikrimah, from Ibn 'Abbās, that he disliked it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدِ، عَنْ قَنَادَةَ، عَنْ عَكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ، أَنَّهُ كَرِهَهُ

[21187] Abu Bakr said: 'Abd al-Wahhāb al-Thaqafī told us from Khālid, from Muḥammad, that he said: If a man buys dates on the tops of palm trees, there is no harm in selling them before harvesting. He said: Muḥammad used to see no harm in it for a time, but when they questioned him excessively about it, he said: "Leave what makes you doubt for what does not make you doubt."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ التَّقْفِيُّ، عَنْ خَالِدٍ، عَنْ مُحَمَّدٍ، أَنَّهُ قَالَ: إِذَا اشْتَرَ الرَّجُلُ النَّمْرَ عَلَى رُؤُوسِ النَّخْلِ قَالَ: لَا بَأْسَ أَنْ يَبِيعَهُ قَبْلَ أَنْ يَصْرِمَهُ قَالَ: وَكَانَ مُحَمَّدٌ لَا يَرَى بِهِ زَمَانًا بَأْسًا، فَلَمَّا أَكْثَرُوا عَلَيْهِ فِيهِ قَالَ: ذَعْرُوا مَا يَرِيُّكُمْ إِلَى مَا لَا يَرِيُّكُمْ

[21188] Abu Bakr said: Zayd ibn al-Hubāb told us from Tha'labah ibn al-Furāt al-Anṣārī, who said: I sold a garment to a people and took a pledge from them until a deadline. When the deadline came, I bought palm trees from them for what they owed me. I took possession and dried it on the tops of the palm trees. A vein fell from them, so I took it. Then those who sold it to me came and desired the dates, so I sold it to them until a deadline. People talked much about that, so I asked Sālim and told him the story. He said: "Did you intend to sell it to them?" I said: No, by Allah, nor did it cross my mind. He said: "There is no harm." And I asked Al-Qāsim, and he said: Did you intend to sell it to them? I said: No, by Allah, nor did it cross my mind. He said: "There is no harm."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ، عَنْ تَعْلِيَةَ بْنِ الْفُرَاتِ الْأَنْصَارِيِّ، قَالَ: بِعْثُ - - قَوْمًا لَّوْبَا، وَارْتَهَنْتُ مِنْهُمْ رَهْنًا إِلَى أَجَلٍ، فَلَمَّا حَلَّ الْأَجَلُ، اشْتَرَيْتُ مِنْهُمْ نَخْلًا، بِمَا لِي عَلَيْهِمْ فَقَبَضْتُ، وَبَيْسَنْتُ فِي رُغْوِ النَّخْلِ، فَوَقَعَ مِنْهُمْ عِرْقٌ، فَأَخْذَنْتُهُ ثُمَّ جَاءَنِي الَّذِينَ بَاعُونِيهِ، فَرَغَبُوا إِلَيَّ فِي التَّمْرِ، فَبِعْثَهُ مِنْهُمْ إِلَى أَجَلٍ، فَأَكْثَرَ النَّاسُ فِي ذَلِكَ، فَسَأَلْتُ سَالِمًا وَقَصَّنْتُ عَلَيْهِ الْقِصَّةَ، فَقَالَ: كَانَ فِي نَفْسِكَ أَنْ تَبِيعَهُ مِنْهُمْ؟ وَسَأَلْتُ الْفَاسِمَ، فَقَالَ: كَانَ فِي نَفْسِكَ أَنْ تَبِيعَهُ مِنْهُمْ؟ قُلْتُ: لَا وَاللَّهِ، وَلَا خَطَرَ عَلَى قَلْبِي، فَقَالَ: لَا بَأْسَ.

فَقُلْتُ: لَا وَاللَّهِ، وَلَا خَطَرَ عَلَى قَلْبِي، فَقَالَ: لَا بَأْسَ.

[21189] Abu Bakr said: Zayd ibn al-Ḥubāb told us from Hārūn ibn Mūsā al-Nahwī, who said: Al-Zubayr ibn Khirrīt informed me from 'Ikrimah regarding a man who buys the fruit of palm trees. He said: "He should not sell it until he harvests it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ، عَنْ هَارُونَ بْنِ مُوسَى النَّحْوِيِّ، قَالَ: أَخْبَرَنِي الزُّبَيْرُ بْنُ حَرِّيْتُ، عَنْ عِكْرَمَةَ، فِي الرَّجُلِ يَسْتَرِي ثَمَرَةَ النَّخْلِ، قَالَ: لَا يَبْعِدُ حَتَّى يَصْرِمَهُ

[21190] Abu Bakr said: Ibn 'Ulayyah told us from Ayyūb, from Abū al-Zubayr, from Jābir: "That the Prophet ﷺ forbade exceptions (Thunyā)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهَا، عَنْ أَيُوبَ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنِ النَّثْنَا

[21191] Abu Bakr said: Ibn 'Ulayyah told us from Ayyūb, from 'Amr ibn Shu'ayb, who said: I said to Sa'īd ibn al-Musayyib: Can I sell the fruit of my land and make an exception? He said: "Do not make an exception except for known trees, and do not absolve yourself from Zakāt." He said: I mentioned it to Muḥammad ibn Sīrīn, and it seemed to please him.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهَا، عَنْ أَيُوبَ، عَنْ عَمْرُو بْنِ شُعَيْبٍ، قَالَ: قُلْتُ لِسَعِيدِ بْنِ الْمُسَيَّبِ: أَبِي ثَمَرَةَ أَرْضِي وَأَسْنَثْنِي؟ قَالَ: لَا تَسْتَثْنِ إِلَّا شَجَرًا مَعْلُومًا، وَلَا تَبْرَأْ مِنَ الصَّدَقَةِ قَالَ: فَذَكَرْتُهُ لِمُحَمَّدِ بْنِ سِيرِينَ، فَكَانَهُ أَعْجَبَهُ

[21192] Abu Bakr said: Ismā'īl ibn 'Ulāyyah and Ibñ Abī Zā'idah told us from Ibñ 'Awñ, from Al-Qāsim, who said: Were it not that Ibñ 'Umar disliked exceptions (Thunyā), and he was pleasing to us, we would have seen no harm in that. Ibñ 'Ulāyyah added from Ibñ 'Awñ: We were told that Ibñ 'Umar used to say: "I will not sell this palm tree nor this palm tree."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ ابْنُ عُلَيَّةَ، وَابْنُ أَبِي زَائِدَةَ، عَنْ ابْنِ عَوْنِ، عَنِ الْفَقِيرِ، قَالَ: لَوْلَا أَنَّ ابْنَ عُمَرَ كَرِهَ النَّخْلَةَ، وَكَانَ عِنْدَنَا مَرْضِيًّا، مَا رَأَيْنَا بِذَلِكَ بَأْسًا. رَأَدَ ابْنُ عُلَيَّةَ عَنْ ابْنِ عَوْنِ: فَتَحَدَّثَنَا أَنَّ ابْنَ عُمَرَ كَانَ يَقُولُ: لَا أَبِيعُ هَذِهِ النَّخْلَةَ وَلَا هَذِهِ النَّخْلَةَ

[21193] Abu Bakr said: 'Abbād told us from Yaḥyā ibn Sa'īd, from Sa'īd ibn al-Musayyib, that he disliked selling a palm tree by measure.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، أَنَّهُ كَرِهَ أَنْ يَبِيعَ النَّخْلَةَ بِكَلِيلٍ

[21194] Abu Bakr said: Abū al-Āḥwāṣ told us from Abū Ḥamzah, who said: I said to Ibrāhīm: Can a man sell a sheep and exclude part of it? He said: No, but he can say: "I sell you half of it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَخْوَصِ، عَنْ أَبِي حَمْزَةَ، قَالَ: قُلْتُ لِإِبْرَاهِيمَ: أَبِيعُ الرَّجُلُ الشَّاةَ، وَيَسْتَثْرِي بَعْضَهَا، قَالَ: لَا، وَلَكِنْ يَقُولُ: أَبِيعُكَ نَصْفَهَا

[21195] Abū Bakr reported: ‘Abd al-Şamad ibn Abī al-Jārūd reported: I asked Jābir ibn Zayd about a man who sells goods and makes an exception for part of it. He said: "That is not proper."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الصَّمَدِ بْنُ أَبِي الْجَارُودِ،
قَالَ: سَأَلْتُ جَابِرَ بْنَ زَيْدٍ عَنِ الرَّجُلِ يَبْيَعُ الْبَيْعَ،
وَيَسْتَثْنِي بَعْضَهُ، قَالَ: لَا يَصْلُحُ ذَلِكَ

[21196] Abū Bakr reported: ‘Abd al-Ālā reported from Yūnus from Al-Hasan regarding a man who sells the fruit of his land and makes an exception for a Kurr (a specific measure). He said: "He used to prefer that he marks specific palm trees."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنِ
الْحَسَنِ فِي الرَّجُلِ يَبْيَعُ ثَمَرًا أَرْضِهِ، وَيَسْتَثْنِي الْكُرْرَ قَالَ:
كَانَ يُعْجِبُهُ أَنْ يُعْلَمَ نَخْلًا

[21197] Abū Bakr reported: Ibn Mahdī reported from Ḥammād ibn Salamah from Ḥajjāj who said: I asked Abū Bakr ibn Abī Mūsā about a man who sold a commodity to another man and said: "I am a partner in it." He said: "He disliked this sale."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ حَمَادِ بْنِ
سَلَمَةَ، عَنْ حَاجَاجٍ، قَالَ: سَأَلْتُ أَبَا بَكْرٍ بْنَ أَبِي مُوسَىَ،
عَنْ رَجُلٍ بَاعَ مِنْ رَجُلٍ سِلْعَةً وَقَالَ: أَنَا شَرِيكٌ فِيهَا،
قَالَ: فَكُرْهَةٌ هَذَا الْبَيْعُ

[21198] Abū Bakr reported: ‘Abbād ibn al-‘Awwām reported from ‘Amr ibn ‘Āmir from Qatādah from Sālim: "That he disliked making an exception for a specific measure (Kayl), or baskets, or Kurrs (a large measure of grain)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ عَمْرٍو بْنِ عَامِرٍ، عَنْ قَتَادَةَ، عَنْ سَالِمٍ، أَنَّهُ كَرِهَ أَنْ يَسْتَثْنِي كَيْلًا أَوْ سِلَالًا أَوْ كُرَارًا

[21199] Abū Bakr reported: Ibn Abī Zā’idah reported from Zakariyyā from Al-Sha'bī from Jābir ibn ‘Abdullāh: "That he sold a camel to the Prophet ﷺ and stipulated (the right to ride) its back until Medina."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ زَكَرِيَّاَ، عَنِ الشَّعَّاعِيِّ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ، أَنَّهُ بَاعَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بَعِيرًا، وَاشْتَرَطَ ظَهَرَةَ إِلَى الْمَدِينَةِ

[21200] Abū Bakr reported: ‘Abbād ibn al-‘Awwām reported from Yahyā ibn Sa‘īd from Abū Bakr ibn ‘Amr ibn Ḥazm from his father: "That he sold fruit of his for four thousand and made an exception for eight hundred (value or weight) of it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ أَبِي بَكْرٍ بْنِ عَمْرٍو بْنِ حَزْمٍ، عَنْ أَبِيهِ، أَنَّهُ بَاعَ ثَمَرَةً لَهُ بِأَرْبْعَةِ آلَافٍ وَاسْتَثْنَى مِنْهَا ثَمَانِمِائَةً

[21201] Abu Bakr said: Waki' told us from Ibrahim ibn Isma'il ibn Mujammi', from Salim that he used to see no harm in a man selling his fruit and excluding a known measure from it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِبْرَاهِيمَ بْنِ إِسْمَاعِيلَ بْنِ مُجَمِّعٍ، عَنْ سَالِمٍ، أَنَّهُ كَانَ لَا يَرَى بِأَسَا أَنْ يَبْيَعَ ثَمَرَتَهُ، وَيَسْتَثْنِي مِنْهَا مَكِيلَةً مَعْلُومَةً

[21202] Abu Bakr said: Ibn Abi Za'idah told us from Bashir, from Abu Hazim, who said: We bought a portion from Ibn 'Umar and he excluded some of it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ بَشِيرِ،
عَنْ أَبِي حَازِمٍ، قَالَ: اسْتَرَيْنَا مِنْ ابْنِ عُمَرَ ثُنْيَا
وَاسْتَرَيْنَا بَعْضَهُ

[21203] Abu Bakr said: Ibn Abi Za'idah told us from Yazid, from Ibn Sirin that he used to see no harm in a man selling his fruit and excluding half, a third, or a quarter of it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ يَزِيدَ،
عَنْ ابْنِ سِيرِينَ أَنَّهُ كَانَ لَا يَرَى بَأْسًا أَنْ يَبْيَعَ الرَّجُلُ
ثُمَّرَتَهُ، وَيَسْتَرِي نِصْفَهَا ثُلَّهَا رُبْعَهَا

[21204] Abu Bakr said: Zayd ibn Hubab told us from Malik ibn Anas, from 'Abd Allah ibn Abi Bakr ibn 'Amr ibn Hazm, from his father, from his grandfather, that he sold his fruit for four thousand or three thousand, and excluded seven hundred from it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ، عَنْ مَالِكِ بْنِ
أَنَسٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ بْنِ عَمْرُو بْنِ حَزْمٍ،
عَنْ أَبِيهِ، عَنْ جَدِّهِ، أَنَّهُ بَاعَ ثُمَّرَتَهُ بِأَرْبَعَةِ آلَافِ أَوْ
بِئْلَائَةِ آلَافٍ، وَاسْتَرَى مِنْهَا سِبْعَمِائَةٍ

[21205] Abu Bakr said: Ibn Mahdi told us from Sufyan, from Mansur and Al-A'mash, from Ibrahim, who said: There is no harm in selling goods and excluding half of them.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ
مَنْصُورٍ، وَالْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا بَأْسَ أَنْ
يَبْيَعَ السَّلْعَةَ وَيَسْتَرِي نِصْفَهَا

[21206] Abu Bakr said: Zayd ibn Hubab told us from Malik ibn Anas, from Rabi'ah al-Ra'i, from Al-Qasim ibn Muhammad, that he sold his fruit and excluded some of it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ، عَنْ مَالِكِ بْنِ أَنَسٍ، عَنْ رَبِيعَةِ الرَّأْيِ، عَنْ الْفَاسِمِ بْنِ مُحَمَّدٍ، أَنَّهُ بَاعَ نَمَرَتَهُ وَاسْتَنْتَى مِنْهَا

[21207] Abu Bakr said: Jarir told us from Mansur, from Al-Hakam, who said: Ibrahim's wife was owed something by Ibrahim, so he ordered me to give her dinars for the value of the dirhams.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ الْحَكَمِ، قَالَ: كَانَ لِإِمْرَأَةِ إِبْرَاهِيمَ عَلَى إِبْرَاهِيمَ شَيْءٌ، فَأَمْرَنِي أَنْ أُعْطِيهَا بِقِيمَةِ الدَّرَاهِمِ دَنَانِيرَ

[21208] Abu Bakr said: Ibn Abi Za'idah told us from Dawud ibn Abi Hind, from Sa'id ibn Jubayr, who said: I saw Ibn 'Umar owing silver, so he would give dinars for its value based on the current price, and owing dinars, so he would give silver for its value.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ دَاؤِدَ بْنِ أَبِي هِنْدٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، قَالَ: رَأَيْتُ ابْنَ عُمَرَ يَكُونُ عَلَيْهِ الْوَرْقُ، فَيُعْطِي بِقِيمَتِهِ دَنَانِيرَ، إِذَا قَامَتْ عَلَى سِعْرٍ، وَيَكُونُ عَلَيْهِ الدَّنَانِيرُ فَيُعْطِي الْوَرْقَ بِقِيمَتِهَا

[21209] Abu Bakr said: Waki' told us from Sufyan, from Al-Suddi, from Al-Bahi, from Yasar ibn Numayr, from 'Umar, that he saw no harm in exchanging gold for silver and silver for gold.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ السُّدَّيِّ، عَنْ الْأَبَوِيِّ، عَنْ يَسَارِ بْنِ ثُمَيْرٍ، عَنْ عُمَرَ، أَنَّهُ لَمْ يَرَ بِأَسْأَا بِافْتِضَاءِ الْذَّهَبِ مِنَ الْوَرِقِ وَالْوَرِقِ مِنَ الْذَّهَبِ

[21210] Abu Bakr said: Waki' told us from Musa ibn Nafi', who said: I asked Sa'id ibn Jubayr about a man who exchanged gold for silver or silver for gold in a loan. He said: There is no harm in it.

[21211] Abu Bakr said: Mu'tamir told us from Ma'mar, from Ibn Tawus, from his father, that he saw no harm in it.

[21212] Abu Bakr said: Mu'tamir told us from Ma'mar, from Al-Zuhri and Qatadah, that they both said: There is no harm in that.

[21213] Abu Bakr said: Waki' told us from Al-Hasan, who said: There is no harm in exchanging gold for silver and silver for gold at the market value.

[21214] Abu Bakr said: Ibn Idris told us from Hisham, from Al-Hasan, who said: There is no harm in it.

[21215] Abu Bakr said: Abu Bakr al-Hanafi told us from Aflah, from Al-Qasim, who said: There is no harm in it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو بَكْرِ الْحَنَفِيُّ، عَنْ أَفْلَحِ
عَنِ الْقَاسِمِ، قَالَ: لَا بَأْسَ بِهِ

[21216] Abu Bakr said: Ibn Abi 'Utbah told us from his father, from Al-Hakam, that he used to see no harm in a man being owed dinars by another man and taking dirhams from him in exchange. He saw no harm in increasing or decreasing the rate if it was by mutual consent.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِيهِ، عَنْ أَبِيهِ، عَنِ
الْحَكْمِ، أَنَّهُ كَانَ لَا يَرَى بَأْسًا أَنْ يَكُونَ لِلرَّجُلِ عَلَى
الرَّجُلِ دَنَارِيْرُ، فَيَأْخُذُ عَنْهُ الدَّرْهَمَ بِصُرْفِهَا، وَلَا يَرَى
بَأْسًا أَنْ يَزِيدَهُ عَلَى السُّعْدِ، أَوْ يَنْقُصَهُ مِنْهُ إِذَا كَانَ عَنْ
تَرَاضِيْهِمَا

[21217] Abu Bakr said: Waki' told us from Ibn 'Awn, from Ibn Sirin, from Ibn Mas'ud, that he used to dislike exchanging gold for silver and silver for gold.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ ابْنِ عَوْنِ، عَنِ
ابْنِ سِيرِينَ، عَنْ ابْنِ مَسْعُودٍ، قَالَ: كَانَ يُكْرِهُ افْتِضَاءَ
الْذَّهَبِ مِنَ الْوَرِقِ وَالْوَرِقِ مِنَ الْذَّهَبِ

[21218] Abu Bakr said: Ibn Fudayl told us from Al-Shaybani, from 'Ikrimah, from Ibn 'Abbas, that he disliked giving gold for silver and silver for gold.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنِ الشَّيْبَانِيِّ،
عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ: أَنَّهُ كَرِهَ أَنْ يُعْطِي الْذَّهَبَ
مِنَ الْوَرِقِ وَالْوَرِقَ مِنَ الْذَّهَبِ

[21219] Abu Bakr said: Ibn 'Ulayyah told us from Yunus, from Ibn Sirin, who said: Abu 'Ubaydah ibn 'Abd Allah ibn Mas'ud said to me: Do not take gold for silver owed to you by a man, nor take silver for gold.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ يُونُسَ، عَنْ ابْنِ سِيرِينَ، قَالَ: قَالَ لِي أَبُو عُبَيْدَةَ بْنُ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ: لَا تَأْخُذِ الْدَّهَبَ مِنَ الْوَرْقِ يَكُونُ لَكَ عَلَى الرَّجُلِ، وَلَا تَأْخُذِ الْوَرْقَ مِنَ الْدَّهَبِ

[21220] Abu Bakr said: Waki' told us from Ibn Mubarak, from Yahya, from Abu Salamah, who said: I asked him about a man who lends dirhams to another man and takes dinars from him, and he disliked it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ ابْنِ مُبَارَكٍ، عَنْ يَحْيَى، عَنْ أَبِي سَلَمَةَ، قَالَ: سَأَلَ اللَّهُ عَنِ الرَّجُلِ يُفْرَضُ الرَّجُلُ الدَّرَاهِمُ، فَيَأْخُذُ مِنْهُ الدَّنَانِيرَ فَكَرِهَهُ

[21221] Abu Bakr said: Mu'tamir told us from Ma'mar, from Yahya, from Abu Salamah, that he disliked it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعْتَمِرٌ، عَنْ مَعْمَرٍ، عَنْ يَحْيَى، عَنْ أَبِي سَلَمَةَ: أَنَّهُ كَرِهَهُ

[21222] Abu Bakr said: 'Abd al-A'la ibn 'Abd al-A'la told us from Hisham, from Muhammad regarding a man who was owed dirhams by another man, took some of it, and then wanted to take dinars for its value, and he disliked it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى بْنُ عَبْدِ الْأَعْلَى، عَنْ هِشَامٍ، عَنْ مُحَمَّدٍ فِي رَجُلٍ كَانَتْ لَهُ عَلَى رَجُلٍ دَرَاهِمٌ، فَأَخَذَ مِنْهَا، ثُمَّ أَرَادَ أَنْ يَأْخُذَ بِقِيمَتِهِ دَنَانِيرَ فَكَرِهَهُ

[21223] Abu Bakr said: Marwan ibn Mu'awiyah told us from Musa ibn 'Ubaydah, who said: 'Ata', the client of 'Umar ibn 'Abd al-Aziz, informed me: I bought a she-camel from Burd, the client of Sa'id ibn al-Musayyib, for four dinars. He came asking for his due, and I said: I have dirhams, not dinars. He said: Let me consult Sa'id ibn al-Musayyib. He consulted him, and Sa'id said to him: Take dinars in cash from him, and if he refuses, leave him; his appointment is with Allah.

[21224] Abu Bakr said: Ibn Abi Za'idah told us from Ibn 'Awn, from Ibn Sirin, who said: It reached me that Ibn Mas'ud disliked it.

[21225] Abu Bakr said: Ibn Idris told us from Hisham, from Ibn Sirin, from 'Abd Allah, similar to it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ، عَنْ مُوسَى بْنِ عُبَيْدَةَ، قَالَ: أَخْبَرَنِي عَطَاءُ، مَوْلَى عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، قَالَ: أَبْتَعَثُ مِنْ بُرْدٍ مَوْلَى سَعِيدِ بْنِ الْمُسَيْبِ ثَاقِهً بِأَرْبَعَةِ دَنَارِيَّـ، فَجَاءَ يَلْتَمِسُ حَقَّهُ مِنِّي، فَقُلْتُ: عَنِّي دَرَاهِمُ، لَيْسَ عَنِّي دَنَارِيُّـ قَالَ: حَتَّى أَسْتَأْمِرَ سَعِيدَ بْنَ الْمُسَيْبِ، فَاسْتَأْمِرَهُ، فَقَالَ لَهُ سَعِيدُ: حُذْ مِنْهُ دَنَارِيَّ عَيْنًا، فَإِنْ أَبَى فَذَغَّهُ، مَوْعِدُ اللَّهِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ ابْنِ عَوْنِ، عَنْ ابْنِ سِيرِينَ، قَالَ: بَلَغَنِي أَنَّ ابْنَ مَسْعُودٍ كَرِهَهُ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنْ ابْنِ سِيرِينَ، عَنْ عَبْدِ اللَّهِ، مِثْلُهُ

[21226] Abu Bakr said: Sharik ibn 'Abd Allah told us from Ibrahim ibn Muhajir, who said: I asked Musa ibn Talhah, and he told me that 'Uthman granted Khabbab land, 'Abd Allah land, Sa'd land, and Suhayb land. All of them are my neighbors, and I saw them giving their land for a third and a quarter, specifically 'Abd Allah and Sa'd.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكُ بْنُ عَبْدِ اللَّهِ، عَنْ إِبْرَاهِيمَ بْنِ مُهَاجِرٍ، قَالَ: سَأَلْتُ مُوسَى بْنَ طَلْحَةَ، فَحَدَّثَنِي، أَنَّ عُلْمَانَ أَقْطَعَ خَبَابًا أَرْضًا، وَعَبْدَ اللَّهِ أَرْضًا، وَسَعْدًا أَرْضًا، وَصَهْبَيَا أَرْضًا، فَكُلُّا جَارِيٌّ، فَذَرَأْتُهُ يُعْطِي أَرْضَهُ بِالثُّلُثِ وَالرُّبُعِ عَبْدَ اللَّهِ وَسَعْدًا

[21227] Abu Bakr said: Sharik told us from Jabir, from Abu Ja'far, who said: The Messenger of Allah (saw) gave me his land in Khaybar, meaning for half [of the produce].

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكُ، عَنْ جَابِرٍ، عَنْ أَبِيهِ جَعْفَرٍ، قَالَ: لَقَدْ أَعْطَانِي رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَرْضَهُ بِخَيْرٍ، يَعْنِي بِنِصْفِ

[21228] Abu Bakr said: Abu al-Ahwas told us from Ibrahim ibn Muhajir, from Musa ibn Talhah, who said: Sa'd and Ibn Mas'ud used to farm for a third and a quarter.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ إِبْرَاهِيمَ بْنِ مُهَاجِرٍ، عَنْ مُوسَى بْنِ طَلْحَةَ، قَالَ: كَانَ سَعْدٌ وَابْنُ مَسْعُودٍ يُزَارُ عَانِ بِالثُّلُثِ وَالرُّبُعِ

[21229] Abu Bakr said: Jarir told us from Layth, from Tawus, who said: Mu'adh came to us while we were giving our land for a third and a quarter, and he did not criticize that upon us.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ لَيْثٍ، عَنْ طَاؤُسٍ، قَالَ: جَاءَنَا مُعَاذٌ وَنَحْنُ نُعْطِي أَرْضَنَا بِالثُّلُثِ وَالرُّبُعِ فَلَمْ يَعْبُدْ ذَلِكَ عَلَيْنَا

[21230] Abu Bakr said: Ibn Fudayl told us from 'Iyad, from Layth, from Tawus, from Mu'adh, similar to it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ عِبَاضٍ، عَنْ لَيْثٍ، عَنْ طَلْوُسٍ، عَنْ مُعَاذٍ يَتْحُوهُ

[21231] Abu Bakr said: Ibn Abi Za'idah told us from Hajjaj, from Abu Ja'far, who said: The Messenger of Allah (saw) dealt with the people of Khaybar for half [the produce], then Abu Bakr, 'Uthman, and 'Ali, then their families until today give a third and a quarter.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ حَجَاجٍ، عَنْ أَبِي جَعْفَرٍ، قَالَ: عَامَلَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَهْلَ خَيْرٍ عَلَى الشَّطْرِ ثُمَّ أَبُو بَكْرَ، وَعُثْمَانَ، وَعَلِيًّا، ثُمَّ أَهْلُهُمْ إِلَى الْيَوْمِ يُعْطُونَ الثُّلُثَ وَالرُّبُعَ

[21232] Abu Bakr said: Abu Usamah and Waki' told us from 'Amr ibn 'Uthman, from Abu Ja'far, who said: I asked him about farming for a third and a quarter. He said: "If you look at the families of Abu Bakr, 'Umar, and 'Ali, you will find them doing that."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، وَوَكِيعٌ، عَنْ عَمْرُو بْنِ عُثْمَانَ، عَنْ أَبِي جَعْفَرٍ، قَالَ: سَأَلْتُهُ عَنِ الْمُزَارِعَةِ بِالثُّلُثِ وَالرُّبُعِ، فَقَالَ: إِنَّ نَظَرْتَ فِي آلِ أَبِي بَكْرٍ، وَآلِ عُمَرَ، وَآلِ عَلِيٍّ وَجَدْتُهُمْ يَعْمَلُونَ ذَلِكَ

[21233] Abu Bakr said: Ibn Abi Za'idah and Abu al-Ahwas told us from Kulayb ibn Wa'il, who said: I said to Ibn 'Umar: A man has land and water but no seeds or oxen. He gave me his land for half [the produce], so I cultivated it with my seeds and oxen, then shared it with him for half. He said: "Good."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، وَأَبُو الْأَحْوَصِ، عَنْ كُلَّيْبَ بْنِ وَائِلٍ، قَالَ: فُلِتُ لِابْنِ عُمَرَ: رَجُلٌ لَهُ أَرْضٌ وَمَاءٌ، لَيْسَ لَهُ بَدْرٌ وَلَا بَقَرٌ، فَأَعْطَانِي أَرْضَهُ بِالنِّصْفِ فَزَرَّ عُنْهَا بِنَبْرِي، وَبَقَرِي ثُمَّ قَاسَمْتُهُ عَلَى النِّصْفِ، قَالَ: حَسْنٌ

[21234] Abu Bakr said: Waki' told us from Sufyan, from Al-Harith ibn Hasirah, from Sakhr ibn al-Walid, from 'Amr ibn Sali', from 'Ali, that he saw no harm in farming for half [the produce].

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ الْحَارِثِ بْنِ حَصِيرَةَ، عَنْ صَخْرِ بْنِ الْوَلِيدِ، عَنْ عَمْرُو بْنِ صَلَيْعٍ، عَنْ عَلَيٍّ، أَنَّهُ لَمْ يَرَ بِأَسَا بِالْمُزَارَعَةِ عَلَى النِّصْفِ

[21235] Abu Bakr said: Waki' told us from Sufyan, from Isma'il ibn Abi Khalid, from a man, from Anas, who said: "My land and my oxen are equal."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ إِسْمَاعِيلِ بْنِ أَبِي خَالِدٍ، عَنْ رَجُلٍ، عَنْ أَنَّسٍ، قَالَ: أَرْضِي وَبَقَرِي سَوَاءٌ

[21236] Abu Bakr said: Ibn 'Uyaynah told us from 'Amr, who heard Salim say: "Rafi' ibn Khadij has been strict on himself; by Allah, we will rent it out like renting camels."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عَيْنَةَ، عَنْ عَمْرِو، سَمِعَ سَالِمًا، يَقُولُ: أَكْثَرُ رَافِعٍ بْنُ حَدِيجٍ عَلَى نَفْسِهِ، وَاللَّهُ أَكْثَرِنَّهَا كِرَاءً الْأَبْلِ

[21237] Abu Bakr said: Waki' told us from Talhah al-Qannad, who said: I heard Tawus say: "There is no harm in farming for a half, a third, or a quarter."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ طَلْحَةَ الْقَنَادِ، قَالَ: سَمِعْتُ طَاؤِسًا، يَقُولُ: لَا بَأْسَ بِالْمُزَارِعَةِ بِالنَّصْفِ وَالثُّلُثِ وَالرُّبْعِ

[21238] Abu Bakr said: Ibn Mushir told us from Isma'il ibn Abi Khalid, from Ibn al-Aswad, that he used to farm with the people of Al-Sawad during his father's lifetime.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مُسْهِرٍ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنْ ابْنِ الْأَسْوَدِ، أَنَّهُ كَانَ يُزَارِعُ أَهْلَ السَّوَادِ حَيَاةً أُبَيِّهِ

[21239] Abu Bakr said: Al-Fadl ibn Dukayn told us from Ibn 'Amir, from 'Abd al-Rahman ibn al-Aswad, who said: "I used to farm for a third and a quarter, and I would take it to 'Alqamah and Al-Aswad. If they had seen any harm in it, they would have forbidden me."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنٍ، عَنْ ابْنِ عَامِرٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْأَسْوَدِ، قَالَ: كُنْتُ أَزَارِعُ بِالثُّلُثِ وَالرُّبْعِ، وَأَحْمِلُهُ إِلَى عَلْقَمَةَ، وَالْأَسْوَدِ، فَلَوْ رَأَيَا بِهِ بَأْسًا لَنَهَيَانِي عَنْهُ

[21240] Abu Bakr said: Hafs told us from Yahya ibn Sa'id that 'Umar ibn 'Abd al-'Aziz used to order giving land for a third and a quarter.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، كَانَ يَأْمُرُ بِإِعْطَاءِ الْأَرْضِ بِالثُّلُثِ وَالرُّبْعِ

[21241] Abu Bakr said: 'Abd al-Wahhab al-Thaqafi told us from Khalid al-Hadhdha', that 'Umar ibn 'Abd al-'Aziz wrote to 'Adi to farm for a third and a quarter.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ التَّقْفِيُّ، عَنْ خَالِدِ الْحَدَّادِ، أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، كَتَبَ إِلَى عَدِيٍّ أَنْ يُزَارِعَ بِالثُّلُثِ وَالرُّبْعِ

[21242] Abu Bakr said: Fudayl told us from Hisham, from Al-Qasim and Ibn Sirin, that they saw no harm in a man giving his land to another in exchange for a third, a quarter, or a tenth, without bearing any expenses.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا فُضَيْلٌ، عَنْ هِشَامٍ، عَنِ الْقَاسِمِ، وَابْنِ سِيرِينَ أَنَّهُمَا كَانَا لَا يَرَيَانَ بِأَسَأَ أَنْ يُعْطِيَ الرَّجُلُ أَرْضَهُ آخَرَ عَلَى أَنْ يُعْطِيَهُ الثُّلُثُ أَوِ الرُّبْعُ أَوِ الْعُشْرُ، وَلَا يَكُونُ عَلَيْهِ مِنَ النَّفَقَةِ شَيْءٌ

[21243] Abu Bakr said: Abu Usamah told us from Hisham ibn 'Urwah, who said: My father saw no harm in renting land.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامِ بْنِ عُرْوَةَ، قَالَ: كَانَ أَبِي لَا يَرَى بِكَرْيِ الْأَرْضِ بِأَسَأَ

[21244] Abu Bakr said: Waki' told us from Sa'id ibn 'Ubayd, who said: I asked Salim about it, and he said: “There is no harm in it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سَعِيدِ بْنِ عُبَيْدٍ، قَالَ: سَأَلْتُ سَالِمًا عَنْهُ، قَالَ: لَا بَأْسَ بِهِ

[21245] Abu Bakr said: Ibn 'Ulayyah told us from 'Abd al-Rahman ibn Ishaq, from Abu 'Ubaydah ibn Muhammad ibn 'Ammar ibn Yasir, from Al-Walid ibn Abi al-Walid, from 'Urwah ibn al-Zubayr, who said: Zayd ibn Thabit said: May Allah forgive Rafi' ibn Khadij, I am, by Allah, more knowledgeable about the Hadith than him. Two men came to him who had fought, so the Messenger of Allah (saw) said: "If this is your situation, do not rent out farms." Rafi' heard his statement: "Do not rent out farms."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ إِسْحَاقَ، عَنْ أَبِي عُبَيْدَةَ بْنِ مُحَمَّدَ بْنِ عَمَارَ بْنِ يَاسِرٍ، عَنْ الْوَلِيدِ بْنِ أَبِي الْوَلِيدِ، عَنْ عُرْوَةَ بْنِ الزُّبَيرِ، قَالَ: قَالَ زَيْدُ بْنُ ثَابِتٍ: يَغْفِرُ اللَّهُ لِرَافِعَ بْنِ خَدِيجَ، أَنَا وَاللَّهِ أَعْلَمُ بِالْحَدِيثِ مِنْهُ، إِنَّمَا أَتَاهُ رَجُلًا قَدْ افْتَلَ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِنْ كَانَ هَذَا شَأْنُكُمْ فَلَا تُكْرُوا الْمَزَارِعَ، فَسَمِعَ رَافِعٌ قَوْلَهُ: لَا تُكْرُوا الْمَزَارِعَ

[21246] Abu Bakr said: Waki' told us from Sufyan, from Qays ibn Muslim, from Abu Ja'far, who said: "There is no household of emigration in Madinah except that they give their land for a third and a quarter."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُقِيَّاَنَّ، عَنْ قَيْسِ بْنِ مُسْلِمٍ، عَنْ أَبِي جَعْفَرٍ، قَالَ: مَا بِالْمَدِينَةِ أَهْلُ بَيْتٍ هِجْرَةٌ إِلَّا وَهُمْ يُعْطُونَ أَرْضَهُمْ بِالثُّلُثِ وَالرُّبْعِ

[21247] Abu Bakr said: Waki' told us from Sufyan, from Mansur, from Mujahid, from Ibn 'Umar, that he used to give his land for a third.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُقِيَّاَنَّ، عَنْ مَنْصُورٍ، عَنْ مُجَاهِدٍ، عَنْ ابْنِ عُمَرَ، أَنَّهُ كَانَ يَنْدَعُ أَرْضَهُ بِالثُّلُثِ

[21248] Abu Bakr said: Waki' told us: Sufyan told us from 'Abd Allah ibn 'Isa, from Musa ibn 'Abd Allah ibn Yazid, from Ibn 'Umar, who said: "My land and my camel are equal."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ عَبْدِ اللَّهِ بْنِ عِيسَى، عَنْ مُوسَى بْنِ عَبْدِ اللَّهِ بْنِ
يَزِيدَ، عَنْ ابْنِ عُمَرَ، قَالَ: أَرْضِي وَبَعِيرِي سَوَاءٌ

[21249] Abu Bakr said: Ibn Abi Za'idah told us from 'Ubayd Allah, from Nafi', from Ibn 'Umar: "That the Messenger of Allah (saw) dealt with the people of Khaybar for half [the produce]."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ عُبَيْدِ
اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ
عَلَيْهِ وَسَلَّمَ عَامَلَ أَهْلَ خَيْرٍ عَلَى الشَّطْرِ

[21250] Abu Bakr said: Waki' told us: Sharik told us from 'Abd Allah ibn 'Isa, who said: 'Abd al-Rahman ibn Abi Layla had land in Al-Fawwarah, and he used to give it for a third and a quarter, and he would send me to divide it with them.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا شَرِيكُ،
عَنْ عَبْدِ اللَّهِ بْنِ عِيسَى، قَالَ: كَانَ لِعَبْدِ الرَّحْمَنِ بْنِ
أَبِي لَيْلَى أَرْضٌ بِالْفَوَارَةِ فَكَانَ يَذْفَعُهَا بِالْثُلُثِ وَالرُّبْعِ،
فَكَانَ يُرْسِلُنِي وَأَقْاسِمُهُمْ

[21251] Abu Bakr said: Abu Bakr ibn 'Ayyash told us from Abu Husayn, from Mujahid, from Rafi' ibn Khadij, who said: The Messenger of Allah (saw) forbade us from something that was beneficial to us; he forbade us, if one of us had land, to give it for part of its produce, a third or half, and he said: "Whoever has land, let him cultivate it or grant it to his

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو بَكْرٍ بْنُ عَيَّاشٍ، عَنْ أَبِي حُصَيْنٍ، عَنْ مُجَاهِدٍ، عَنْ رَافِعٍ بْنِ خَبِيجٍ، قَالَ: نَهَانَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ أَمْرٍ كَانَ لَنَا نَافِعًا، نَهَانَا إِذَا كَانَ لِأَحَدِنَا أَرْضٌ أَنْ يُعْطِيهَا بِعَضُّ خَرَاجِهَا بِتُلُثٍ أَوْ نِصْفٍ، وَقَالَ: مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَنْزِرْهُمَا، أَوْ لِيَنْهَا أَخَاهُ

[21252] Abu Bakr said: 'Ali ibn Mushir told us from Al-Shaybani, from 'Abd Allah ibn al-Sa'ib, who said: I asked Ibn Ma'qil about Muzara'ah (sharecropping). He said: Thabit ibn al-Dahhak informed me that the Messenger of Allah (saw) forbade it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ السَّائِبِ، قَالَ: سَأَلْتُ ابْنَ مَعْقِلٍ عَنِ الْمُزَارَعَةِ، فَقَالَ: أَخْبَرَنِي تَابِتُ بْنُ الصَّحَّاكِ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنْهَا

[21253] Abu Bakr said: Ibn 'Uyaynah told us, hearing 'Amr narrating from Jabir: "That the Prophet (saw) forbade Mukhabarah (sharecropping)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، سَمِعَ عَمْرًا، يُحَدِّثُ عَنْ جَابِرٍ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنِ الْمُخَابَرَةِ

[21254] Abu Bakr said: Ibn 'Uyaynah told us, saying: 'Amr heard 'Abd Allah ibn 'Umar say: We used to practice Mukhabarah and saw no harm in it until Rafi' ibn Khadij claimed that the Prophet (saw) forbade it, so we abandoned it because of him.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، قَالَ: سَمِعَ عَمْرُو، عَبْدُ اللَّهِ بْنَ عُمَرَ يَقُولُ: كُنَّا نُخَابِرُ، وَلَا تَرَى إِذَلِكَ بِأُسْأَى حَتَّى زَعَمَ رَافِعٌ بْنُ خَدِيجٍ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنْهَا، فَتَرَكْنَاهُ مِنْ أَجْلِهِ

[21255] Abu Bakr said: 'Umar ibn Ayyub told us from Ja'far ibn Burqan, from Thabit ibn al-Hajjaj, from Zayd ibn Thabit, who said: "The Messenger of Allah (saw) forbade Mukhabarah." I said: What is Mukhabarah? He said: "To take land for a half, a third, or a quarter."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عُمَرُ بْنُ أَئْيُوبَ، عَنْ جَعْفَرِ بْنِ بُرْقَانَ، عَنْ ثَابِتِ بْنِ الْحَجَاجِ، عَنْ زَيْدِ بْنِ ثَابِتٍ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الْمُخَابَرَةِ قُلْتُ: وَمَا الْمُخَابَرَةُ؟ قَالَ: أَنْ تَأْخُذَ الْأَرْضَ بِنِصْفٍ، أَوْ ثُلُثٍ، أَوْ رُبْعٍ

[21256] Abu Bakr said: 'Ali ibn Mushir told us from Al-Shaybani, from Habib ibn Abi Thabit, who said: I was sitting with Ibn 'Abbas in the Sacred Mosque when a man came to him and said: We take land from the landholders (Dihqans), and I work it with my seeds and oxen, then I take my share and give him his share. He said to him: "Take your capital and do not return anything specific to him." He repeated it to him three times, saying this each time.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، عَنْ حَبِيبِ بْنِ أَبِي ثَابِتٍ، قَالَ: كُنْتُ جَالِسًا مَعَ ابْنِ عَبَّاسٍ فِي الْمَسْجِدِ الْحَرَامِ إِذْ أَتَاهُ رَجُلٌ فَقَالَ: إِنَّا نَأْخُذُ الْأَرْضَ مِنَ الدَّهَاقِينَ، فَأَعْتَمَلُهَا بِبَدْرِيِّ، وَبَقْرِيِّ فَأَخُذُ حَقِّيْ وَأُعْطِيهِ حَقَّهُ، فَقَالَ لَهُ: خُذْ رَأْسَ مَالِكٍ، وَلَا تَرْدُدْ عَلَيْهِ عَيْنًا، فَأَعَادَهَا عَلَيْهِ ثَلَاثَ مَرَاتٍ، كُلُّ ذَلِكَ يَقُولُ لَهُ هَذَا

[21257] Abu Bakr said: Al-Thaqafi told us from Khalid al-Hadhdha', from 'Ikrimah, that he disliked Muzara'ah for a third and a quarter.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الثَّقَافِيُّ، عَنْ خَالِدِ الْحَدْدَاءِ، عَنْ عُكْرَمَةَ، أَنَّهُ كَرِهَ الْمُزَارَعَةَ بِالثُّلُثِ وَالرُّبْعِ

[21258] Abu Bakr said: Hafs told us from Al-A'mash, from Ibrahim, that he disliked Muzara'ah for a third and a quarter.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ أَنَّهُ كَرِهَ الْمُزَارَعَةَ بِالثُّلُثِ وَالرُّبْعِ

[21259] Abu Bakr said: Hafs told us from Al-A'mash, from Ibrahim, that he disliked giving land for a third and a quarter.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ أَنَّهُ كَرِهَ أَنْ يُعْطِي الْأَرْضَ بِالثُّلُثِ وَالرُّبْعِ

[21260] Abu Bakr said: Waki' told us from 'Ikrimah ibn 'Ammar, from 'Ata', from Jabir, that he disliked renting land.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ عَكْرَمَةَ بْنِ عَمَّارٍ، عَنْ عَطَاءٍ، عَنْ جَابِرٍ، أَنَّهُ كَرِهَ كِرَاءَ الْأَرْضِ

[21261] Abu Bakr said: Hashim ibn al-Qasim told us from 'Ikrimah ibn 'Ammar, from Tawus, who said: "We do not rent land nor leave it," or he said: "We leave it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هَاشِمُ بْنُ الْفَاسِمِ، عَنْ عَكْرَمَةَ بْنِ عَمَّارٍ، عَنْ طَاؤُسٍ، قَالَ: "لَا تُكْرِي الْأَرْضَ وَلَا تَذَرُهُ، أَوْ قَالَ: تَذَرُهُ

[21262] Abu Bakr said: Waki' told us: 'Umar ibn Dharr told us from Mujahid, from the son of Rafi' ibn Khadij, from his father, who said: Abu Rafi' came to us from the Messenger of Allah (saw) and said: "The Messenger of Allah (saw) forbade us from something that was beneficial to us—and obedience to Allah and His Messenger is more beneficial to us—that anyone of us cultivates except land he owns or a grant given by a man."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا عُمَرُ بْنُ ذَرٍّ، عَنْ مُجَاهِدٍ، عَنْ ابْنِ رَافِعٍ بْنِ حَدِيجٍ، عَنْ أَبِيهِ، قَالَ: جَاءَنَا أَبُو رَافِعٍ مِنْ عِنْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: نَهَانَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ أَمْرٍ كَانَ يَرْفُقُ بِنَاهُ، وَطَاعَةُ اللَّهِ وَطَاعَةُ رَسُولِهِ أَرْفَقُ بِنَاهُ، أَنْ يَزْرَعَ أَحَدُنَا إِلَّا أَرْضًا يَمْلِكُ رَقْبَتَهَا أَوْ مِنْحَةً يَمْنَحُهَا رَجُلٌ

[21263] Abu Bakr said: Waki' told us from Nusayr ibn Adham, who said: I heard Al-Dahhak ibn Muzahim say: "Only two options are proper regarding land: land granted to you by a man who owns it, or land you rented for a known price until a known term."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ نُصَيْرِ بْنِ أَدْهَمَ قَالَ: سَمِعْتُ الضَّحَّاكَ بْنَ مُزَاحِمٍ يَقُولُ: "لَا يَصْلُحُ مِنَ الْأَرْضِ إِلَّا حَصْنَتَانِ: أَرْضٌ مَنْحُوكَهَا رَجُلٌ يَمْلِكُ رَفَبَّهَا، أَوْ أَرْضٌ اسْتَاجَرْتَهَا بِأَجْرٍ مَعْلُومٍ إِلَى أَجْلٍ مَعْلُومٍ

[21264] Abu Bakr said: Waki' told us: Isma'il ibn Abi Khalid told us from Al-Hakam, from Ibrahim, who said: "The best way of farming is to rent barren land for a known price."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ أَبِي خَالِدٍ، عَنِ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، قَالَ: إِنَّ أَمْثَلَ أَبْوَابِ الزَّرْعِ أَنْ يَسْتَاجِرَ الْأَرْضَ الْبَيْضَاءَ بِأَجْرٍ مَعْلُومٍ

[21265] Abu Bakr said: Waki' told us: Sufyan told us from Mansur, from Mujahid, who said: "Farming is not proper except on land you own or land granted to you by a man."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ مَنْصُورٍ، عَنْ مُجَاهِدٍ، قَالَ: لَا يَصْلُحُ مِنَ الزَّرْعِ إِلَّا أَرْضٌ تَنَالُكَ رَفَبَّهَا، أَوْ أَرْضٌ يَمْنَحُوكَهَا رَجُلٌ

[21266] Abu Bakr said: Waki' told us: Sufyan told us: I was informed from 'Abd al-'Aziz ibn Rufay', from Rifa'ah ibn Rafi' ibn Khadij, who said: "The Messenger of Allah (saw) forbade Muzara'ah and leasing: that a man should not buy land or be lent it." Then he said: He lent me land from a man, so I cultivated it and built a structure on it. He went out to it and saw the structure, so he said: "Who built this?" They said: "So-and-so whom you lent it to." He said: "Is this a substitute for what I gave him?" They said: "Yes." He said: "I will not leave until you demolish it."

[21267] Abu Bakr said: Waki' told us from Abu Makin, from 'Ikrimah, who said: "There is no harm in renting land for food."

[21268] Abu Bakr said: Jarir told us from Mughirah, from Ibrahim, who said: "There is no harm in a man renting barren land for wheat."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ
قَالَ: أَخْبَرْتُ عَنْ عَبْدِ الْعَزِيزِ بْنِ رُقَيْبٍ، عَنْ رِفَاعَةَ بْنِ
رَافِعٍ بْنِ خَدِيجٍ، قَالَ: "أَنَّهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ
وَسَلَّمَ عَنِ الْمُزَارَعَةِ وَالْإِجَارَةِ: أَنْ لَا يَشْتَرِي الرَّجُلُ
أَرْضًا أَوْ يُعَارِ " ثُمَّ قَالَ: أَعَارْنِي أَرْضًا مِنْ رَجُلٍ
فَزَرَّعَهَا، وَبَنَى فِيهَا بُنْيَانًا، فَخَرَاجٌ إِلَيْهَا فَرَأَى الْبُنْيَانَ
فَقَالَ: مَنْ بَنَى هَذَا؟ فَقَالُوا: الْفُلَانُ الَّذِي أَغْرَيَهُ؟ فَقَالَ:
أَعِوْضُ مِمَّا أُعْطِيَتُهُ؟ فَقَالُوا: نَعَمْ، قَالَ: لَا أَبْرُخُ حَتَّى
تَهْمِمُهُ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ أَبِي مَكِينٍ، عَنْ
عِكْرِمَةَ، قَالَ: لَا بَأْسَ بِكَرْبِي الْأَرْضِ بِالْطَّعَامِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ
إِبْرَاهِيمَ، قَالَ: لَا بَأْسَ أَنْ يَسْتَأْجِرَ الرَّجُلُ الْأَرْضَ
بِالْبَيْضَاءِ بِالْحِنْطَةِ

[21269] Abu Bakr said: Waki' told us from Ziyad ibn Abi Muslim, who said: I asked Sa'id ibn Jubayr about renting land for dirhams and food, and he saw no harm in it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ زَيْدِ بْنِ أَبِي مُسْلِمٍ، قَالَ: سَأَلْتُ سَعِيدَ بْنَ جُبَيْرٍ عَنْ كَرْبَلَةِ الْأَرْضِ بِالدَّرَاهِمِ، وَالطَّعَامِ، فَلَمْ يَرَ بِهِ بَأْسًا

[21270] Abu Bakr said: 'Abdah ibn Sulayman told us from Abu Ma'shar, from Ibrahim, who said: "There is no harm in taking a specified amount of food."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا بَأْسَ أَنْ تَأْخُذَ بِطَعَامٍ مُسَمَّى

[21271] Abu Bakr said: 'Abdah ibn Sulayman told us from Sa'id ibn Abi 'Arubah, from Ya'la ibn Hakim, from Sulayman ibn Yasar, from Rafi' ibn Khadij, who said: The Messenger of Allah (saw) said: "Whoever has land, let him cultivate it or let his brother cultivate it, and do not rent it for a third nor for a specified amount of food."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدِ بْنِ أَبِي عَرْوَةَ، عَنْ يَعْلَى بْنِ حَكِيمٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ رَافِعِ بْنِ خَدِيجٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَزْرَعْهَا أَوْ لِيُزْرِعُهَا أَخَاهُ وَلَا يُكْرِيْهَا بِتُّلُّثٍ، وَلَا بِطَعَامٍ مُسَمَّى

[21272] Abu Bakr said: 'Ali ibn Mushir told us from Dawud, from Al-Sha'bi, who said: There was a beast in the hands of people from Al-Azd. Some people claimed it and established proof that it was their beast which they lost in the time of 'Umar ibn 'Abd al-'Aziz. Those in whose hands it was established proof that they bred it. This was referred to their judge 'Abd al-Rahman ibn Udhaynah. These would come with proof in the morning, and the others would come with more in the evening. He wrote about that to Shurayh, who wrote back to him: "You have nothing to do with contradiction and accumulation. Those who established proof that they bred it and it is in their hands are more entitled, and the others are more likely [to be based on] suspicion."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ دَاؤِدَ،
عَنْ الشَّعْبِيِّ، قَالَ: كَانَتْ دَابَّةً فِي أَيْدِي النَّاسِ مِنَ
الْأَزْدِ، فَادْعَاهَا قَوْمٌ فَأَقَامُوا الْبَيْنَةَ لَهَا دَابَّةُهُمْ أَضَلُّهَا
فِي زَمَانٍ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، فَأَقَامَ الدِّينَ هِيَ فِي
أَيْدِيهِمُ الْبَيْنَةَ أَنَّهُمْ نَتَجُوهُ إِلَيْهَا، فَرُفِعَ ذَلِكَ إِلَى قَاضِيهِمْ عَنْ
الرَّحْمَنِ بْنِ أَذِيئَةَ فَجَعَلَ هُولَاءِ يَغْدُونَ بِبَيْنَةٍ، وَيَرُوْحُ
الْأَخَرُونَ بِأَكْثَرِ مِنْهُمْ، فَكَتَبَ ذَلِكَ إِلَى شُرَبْحَ، فَكَتَبَ
إِلَيْهِ: لَسْتَ مِنَ النَّهَاثِرِ وَالثَّكَاثِرِ فِي شَيْءٍ وَالَّذِينَ أَقَامُوا
الْبَيْنَةَ لَهُمْ نَتَجُوهُ إِلَيْهَا وَهِيَ فِي أَيْدِيهِمْ أَحَقُّ، وَأَوْلَى
بِالشُّبُهَةِ

[21273] Abu Bakr said: Jarir told us from Mughirah, from Hammad, from Ibrahim, regarding two men claiming a beast that is not in the possession of either of them; one establishes two witnesses and the other four. He said: "It is split between them in half, because two witnesses establish the right."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، فِي الرَّجُلَيْنِ يَدْعَيَانِ الدَّائِبَةَ لِيُسْتَفَدِرُ فِي يَدِ وَاحِدٍ مِنْهُمَا، فَيَقِيمُ أَحَدُهُمَا شَاهِدَيْنَ، وَالْأُخْرَ أَرْبَعَةً، فَقَالَ: هِيَ بَيْنَهُمَا نِصْفَيْنِ، لَأَنَّ الْإِثْنَيْنِ يُوجِبُانِ الْحَقَّ

[21274] Abu Bakr said: Jarir told us from Mughirah, from Al-Sha'bi, who said: "It is among them according to the shares of the witnesses."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ الشَّعْبِيِّ، قَالَ: هِيَ بَيْنَهُمْ عَلَى حِصَاصِ الشُّهُودِ

[21275] Abu Bakr said: Abu Usamah told us from Ibn 'Awn, that Hisham ibn Hubayrah used to judge in favor of the party with more witnesses.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أُسَامَةَ، عَنِ ابْنِ عَوْنَ، أَنَّ هِشَامَ بْنَ هُبَيْرَةَ كَانَ يَقْضِي لِأَكْثَرِ الْفَرِيقَيْنِ شُهُودًا

[21276] Abu Bakr said: Ibn Fudayl told us from 'Asim ibn Kulayb, from Muhammad ibn Ka'b, who said: I sold a mule to a man. After some time, he came to me, and I recognized the mule with him. We went to Shurayh, and I went with the one who had it. He established seven witnesses that it was his beast, not sold or gifted, and the other came with six witnesses that it was his beast, not sold or gifted. Shurayh said: "I testify that one of the two groups is lying." He divided it between them into thirteen shares, giving each one according to the share of his witnesses.

[21277] Abu Bakr said: Yazid ibn Harun told us from Hajjaj, from Simak, from Hanash ibn al-Mu'tamir, from 'Ali, who said: Two men disputed before him regarding a mule. One established five witnesses that it was bred by him, and the other established two witnesses that it was bred by him. He divided it into seven shares.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ عَاصِمِ بْنِ كُلَيْبٍ، عَنْ مُحَمَّدِ بْنِ كَعْبٍ، قَالَ: بِعْتُ بَعْلَةً مِنْ رَجْلِي، فَأَتَيْتَنَا فَلَيْثًا مَا شَاءَ اللَّهُ، فَأَتَانِي وَقَدْ عَرَفْتُ الْبَعْلَةَ عِنْهُ، فَأَتَيْنَا شُرَيْحًا وَأَنْطَافْتُ بِالَّذِي مِنْهُ، فَأَقَامَ سَبْعَةً مِنَ الشُّهُودِ أَنَّهَا دَابَّةٌ لَمْ تُبْعَ وَلَمْ تُهَبْ، وَجَاءَ الْآخَرُ بِسَيْنَةٍ مِنَ الشُّهُودِ أَنَّهَا دَابَّةٌ لَمْ تُبْعَ وَلَمْ تُهَبْ، فَقَالَ شُرَيْحٌ: أَشَهُدُ بِأَنَّ أَحَدَ الْفَرِيقَيْنَ كَاذِبٌ، فَقَسَمَهَا بَيْنَهُمْ عَلَى ثَلَاثَةِ عَشَرَ سَهْمًا أَعْطَى كُلَّ وَاحِدٍ مِنْهُمَا بِحِصْنَةٍ شُهُودِهِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَجَاجٍ، عَنْ سِمَاكٍ، عَنْ حَنْشِ بْنِ الْمُعْتَمِرِ، عَنْ عَلَيٍّ، قَالَ: أَخْتَصَمَ إِلَيْهِ رَجُلٌ فِي بَعْلَةٍ فَأَقَامَ هَذَا خَمْسَةُ شُهَدَاءَ بِأَنَّهَا نَتَجَتُ عِنْهُ، وَأَقَامَ هَذَا شَاهِدَيْنِ بِأَنَّهَا نَتَجَتُ عِنْهُ، فَجَعَلَهَا عَلَى سَهْمٍ أَسْبَاعِهَا

[21278] Abu Bakr said: Hushaym told us from Mughirah, from Ibrahim, who said: “If a slave authorized to trade goes bankrupt, his debt is on his neck. If his master wishes to sell him, he sells him and divides his price among the creditors, and he is not liable for more than his price.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا أَفْلَسَ الْعَبْدُ الْمَأْذُونُ لَهُ فِي الْجَارَةِ فَدَيْنُهُ فِي رَقْبَتِهِ، فَإِنْ شَاءَ مَوْلَاهُ أَنْ يَبِيعَهُ بَاعُوهُ وَيَقْسِمَ ثَمَنَهُ بَيْنَ الْغُرَمَاءِ، وَلَيْسَ عَلَيْهِ أَكْثَرُ مِنْ ثَمَنَهُ

[21279] Abu Bakr said: Hushaym told us from Yunus, from Al-Hasan, who said: “If they wish to sell him, they sell him, and if they wish, they make him earn.” He said: Shurayh used to say that.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ يُونُسَ، عَنْ الْحَسَنِ، قَالَ: إِنْ شَاءُوا أَنْ يَبِيعُوهُ بَاعُوهُ، وَإِنْ شَاءُوا اسْتَئْسِفُوهُ. قَالَ: فَكَانَ شُرَيْحٌ يَقُولُ ذَلِكَ

[21280] Abu Bakr said: Waki' told us from Sufyan, from Mutarrif, from Al-Hakam, who said: “He is not sold until the debt encompasses his neck (value).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ مُطَرِّفٍ، عَنِ الْحَكَمِ، قَالَ: لَا يُبَاعُ حَتَّى يُحِيطَ الدَّيْنُ بِرَقْبَتِهِ

[21281] Abu Bakr said: Isma'il ibn 'Ulayyah told us from Ibn 'Awn, from Ibn Sirin, that 'Abd al-Rahman ibn Udhaynah was brought a slave burdened with debt. He said: "His wealth for his debt, his wealth for his debt."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ ابْنُ عُلَيَّهِ، عَنْ ابْنِ عُونَ، عَنْ ابْنِ سِيرِينَ، أَنَّ عَبْدَ الرَّحْمَنَ بْنَ أَدِينَةَ، أُوتِيَ عَبْدًا رَكْبَهُ دَيْنٌ، فَقَالَ: مَالُهُ بِدَيْنِهِ، مَالُهُ بِدَيْنِهِ

[21282] Abu Bakr said: Waki' told us from Sufyan, from Hisham, from Ibn Sirin, who said: "His debt is in his price."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ هِشَامٍ، عَنْ ابْنِ سِيرِينَ، قَالَ: دَيْنُهُ فِي ثَمَنِهِ

[21283] Abu Bakr said: Waki' told us: Al-Hasan ibn Salih told us from Al-Hasan ibn 'Amr, from Fudayl, from Ibrahim, who said: "The slave is not sold for debt, even if he owes a hundred thousand."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْحَسَنُ بْنُ صَالِحٍ، عَنْ الْحَسَنِ بْنِ عَمْرٍو، عَنْ فُضَيْلٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا يُبَاعُ الْعَبْدُ فِي الدِّينِ، وَإِنْ كَانَ عَلَيْهِ مِائَةُ أَلْفٍ

[21284] Abu Bakr said: Ibn Idris told us from Al-Shaybani, from Al-Sha'bi, from Shurayh, regarding a man who authorizes his slave to incur debt. He said: "He considered that he should be sold for the creditors."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ الشَّيْبَانِيِّ، عَنْ الشَّعْبَانِيِّ، عَنْ شُرَيْحٍ، فِي الرَّجْلِ يَأْذُنُ لِعَبْدِهِ أَنْ يُسْتَدِينَ قَالَ: كَانَ يَرَى أَنْ يُبَاعَ لِلْغُرَمَاءِ

[21285] Abu Bakr said: Hushaym told us from Isma'il ibn Salim, from Al-Qasim ibn 'Abd al-Rahman, that he used to say regarding a man who buys goods and finds a defect in some of them: "He takes all of it or returns all of it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ إِسْمَاعِيلَ بْنِ سَالِمٍ، عَنِ الْقَاسِيمِ بْنِ عَبْدِ الرَّحْمَنِ، أَنَّهُ كَانَ يَقُولُ فِي الرَّجُلِ يَشْتَرِي الْمَتَاعَ فَيَجِدُ بِعِصْبِهِ عَيْنًا: قَالَ: يَأْخُذُهُ كُلَّهُ أَوْ يَرْدُهُ كُلَّهُ

[21286] Abu Bakr said: Yahya ibn Sa'id told us from Sufyan, from Al-Shaybani, from 'Amir, regarding a man who buys goods and finds a defect in some of them: He said: "He takes all of it or returns all of

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ سُفْيَانَ، عَنِ الشَّيْبَانِيِّ، عَنْ عَامِرٍ، فِي الرَّجُلِ يَشْتَرِي الْمَتَاعَ فَيَجِدُ بِعِصْبِهِ عَيْنًا: قَالَ: يَأْخُذُهُ كُلَّهُ أَوْ يَرْدُهُ كُلَّهُ

[21287] Abu Bakr said: Jarir told us from Mughirah, from Al-Harith al-'Ukli, who said: "If a man buys two slaves or two commodities and finds a defect in one of them and wants to return it, he returns it for its value, and the one without defect remains binding on him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ الْحَارِثِ الْعَكْلِيِّ، قَالَ: إِذَا اشْتَرَى الرَّجُلُ الْغُلَامَيْنِ أَوِ السَّلْعَتَيْنِ فَوَجَدَ بِأَحَدِهِمَا عَيْنًا، فَأَرَادَ رَدَّهَا بِقِيمَتِهِ، وَجَازَتْ عَلَيْهِ الْتِي لَيْسَ لَهَا عَيْنٌ

[21288] Abu Bakr said: Mu'adh ibn Mu'adh told us from Ash'ath, from Al-Hasan, regarding a man who buys slaves and finds a defect in some of them. He said: "It is returned for its value, and similarly for goods." Muhammad said the same.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعَاذُ بْنُ مُعَاذٍ، عَنْ أَشْعَثَ،
عَنِ الْحَسَنِ، فِي الرَّجُلِ يَشْتَرِي الْعَبْدَ فَإِنْجُدُ بِعَيْنِهِمْ
عَيْنًا، فَقَالَ: يُرْدُ بِقِيمَتِهِ، وَفِي الْمَتَاعِ مِثْلُهُ وَقَالَهُ مُحَمَّدٌ

[21289] Abu Bakr said: Waki' told us from Hasan ibn Salih, from Al-Shaybani, from Shurayh, regarding a man who buys goods in one deal and finds a defect in some of them. He said: "He takes all of it or returns all of it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ حَسَنِ بْنِ صَالِحٍ،
عَنِ الشَّيْبَانِيِّ، عَنْ شُرَيْحٍ، فِي الرَّجُلِ يَشْتَرِي الْمَتَاعَ
صَفْقَةً، فَإِنْجُدُ بِعَيْنِهِ عَيْنًا قَالَ: يَأْخُذُهُ جَمِيعًا أَوْ يَرْدُهُ
جَمِيعًا

[21290] Abu Bakr said: 'Abbad told us from Ash'ath, from 'Amir and Ibn Sirin, who said: "If a man buys a wholesale lot (Hukrah) and sees a defect in it, he returns all of it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادٌ، عَنْ أَشْعَثَ، عَنْ
عَامِرٍ، وَأَبْنِ سِيرِينَ، قَالَا: إِذَا ابْتَاعَ الرَّجُلُ بَيْعَ حُكْرَةً،
فَرَأَى فِيهِ عَيْنًا، قَالَا: يَرْدُهُ كُلَّهُ

[21291] Abu Bakr said: Waki' told us from Sufyan, from a man, from 'Ata', regarding a man who bought goods and found a defect in some of them. He said: "He returns it and keeps the remainder according to value."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ رَجُلٍ، عَنْ عَطَاءٍ فِي الرَّجُلِ اشْتَرَى مَتَاعًا فَوَجَدَ بِعَضِهِ عَيْنًا، قَالَ: يَرُدُّهُ وَيَلْزَمُ مَا بَقَى بِالْقِيمَةِ

[21292] Abu Bakr said: 'Abd al-Salam told us from Layth, from Hajjaj ibn Yasar, that a man bought skins of ghee from another man and paid him. The skins diminished, so he wanted to deduct some dirhams. Ibn 'Umar said: "Take your sale entirely or return it entirely."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامِ، عَنْ لَيْثٍ، عَنْ حَجَاجَ بْنِ يَسَارٍ، أَنَّ رَجُلًا اشْتَرَى مِنْ رَجُلٍ زِفَاقًا مِنْ سَمْنٍ وَنَقَدَ صَاحِبَهُ، فَنَقَصَتِ الْرِّفَاقُ فَأَرَادَ أَنْ يُفَاصِّهَ بِعَضِ الدَّرَاهِمِ، فَقَالَ ابْنُ عُمَرَ: حُذْ بَيْعَكَ جَمِيعًا أَوْ رُدَّهُ جَمِيعًا

[21293] Abu Bakr said: Ibn Idris told us from Hisham, from Al-Hasan, who said: "The expenses of the Mudarib (speculator) are from the total capital." And Ibn Sirin said: "It is not so."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، قَالَ: نَفَقَهُ الْمُضَارِبُ مِنْ جَمِيعِ الْمَالِ وَقَالَ ابْنُ سِيرِينَ: لَيْسَ كَذَلِكَ

[21294] Abu Bakr said: Hafs told us from Ash'ath, from Al-Hakam and Hammad, from Ibrahim, who said: "The Mudarib spends and clothes himself reasonably. If he profits, it is from his profit, and if he loses, it is from the capital." He said: I asked Ibn Sirin, and he said: "I do not like him to spend until he asks permission from the owner of the capital."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنِ الْحَمْمَ، وَحَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: الْمُضَارِبُ يُنْفِقُ، وَيَكْسِي بِالْمَعْرُوفِ، فَإِنْ رَبَحَ كَانَ مِنْ رِبْحِهِ، وَإِنْ وَصَعَ كَانَ مِنْ رَأْسِ الْمَالِ قَالَ: وَسَأَلْتُ ابْنَ سِيرِينَ قَالَ: مَا أُحِبُّ أَنْ يُنْفِقَ حَتَّى يَسْتَأْذِنَ رَبَّ الْمَالِ

[21295] Abu Bakr said: Jarir told us from Mughirah, from Hammad, who said: "If the Mudarib wishes, he may hire a worker and feed the slaves if it is from the Mudarabah funds, but he should not eat with

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ حَمَادٍ، قَالَ: إِنْ شَاءَ الْمُضَارِبُ اسْتَأْجِرَ الْأَجْبَرَ، وَأَطْعَمَ الرَّفِيقَ إِذَا كَانَ مِنَ الْمُضَارَبَةِ، وَلَا يَأْكُلُ مَعْهُمْ

[21296] Abu Bakr said: Jarir told us from Mughirah, from Hammad, who said: "The Mudarib should not stipulate food or anything for his own benefit unless there is a benefit for the Mudarabah. If there is no benefit for the Mudarabah, then that should be from his own money."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ حَمَادٍ، قَالَ: لَا يَشْرِطُ الْمُضَارِبُ طَعَاماً، وَلَا شَيْئاً يَنْتَفِعُ بِهِ إِلَّا أَنْ يَكُونَ فِيهِ مَنْفَعَةً لِلْمُضَارَبَةِ، فَإِنْ لَمْ تَكُنْ فِيهِ مَنْفَعَةً لِلْمُضَارَبَةِ كَانَ ذَلِكَ فِي مَالِ نَفْسِهِ

[21297] Abu Bakr said: Zayd ibn Hubab told us from Ibn Lahi'ah, from Khalid ibn Abi 'Imran, from Al-Qasim and Salim, that he asked them about the Muqarid (speculator) eating, drinking, clothing himself, and riding reasonably. He said: "If it is for the purpose of the Mudarabah, there is no harm."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ، عَنْ ابْنِ لَوْبِعَةَ، عَنْ خَالِدِ بْنِ أَبِي عِمْرَانَ، عَنِ الْفَلَسِيمِ، وَسَالِمِ، أَنَّهُ سَأَلَهُمَا عَنِ الْمُقَارِضِ يَأْكُلُ وَيَسْرَبُ، وَيَكْتَسِي، وَيَرْكَبُ بِالْمَعْرُوفِ، قَالَ: إِذَا كَانَ فِي سَبَبِ الْمُضَارَبَةِ فَلَا بَأْسَ

[21298] Abu Bakr said: 'Ali ibn Mushir told us from 'Abd al-Malik, from 'Ata', from Jabir, who said: The Messenger of Allah (saw) said: "The neighbor has more right to his neighbor's pre-emption; he waits for it even if he is absent, if their path is one."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ، عَنْ جَابِرٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الشَّفِيعُ أَحَقُّ بِسُفْعَةٍ جَارِهِ يَنْتَظِرُ بِهَا، وَإِنْ كَانَ غَائِبًا إِذَا كَانَتْ طَرِيقُهُمَا وَاحِدَةً

[21299] Abu Bakr said: Hafs told us from Al-Shaybani, from Humayd al-Azraq, from 'Umar ibn 'Abd al-'Aziz, that he judged pre-emption for the partner after ten years, while its owner was absent.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنِ الشَّيْبَانِيِّ، عَنْ حُمَيْدِ الْأَزْرَقِ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ أَنَّهُ قَضَى بِالسُّفْعَةِ لِشَرِيكِهِ بَعْدَ عَشْرِ سِنِينَ، وَكَانَ غَائِبًا صَاحِبُهَا

[21300] Abu Bakr said: Ibn Abi 'Adi told us from Ash'ath, from Al-Hasan, who said: "He used to consider pre-emption for the minor and the absent."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ، عَنْ أَشْعَثَ،
عَنِ الْحَسَنِ، قَالَ: كَانَ يَرَى الشُّفْعَةَ لِلصَّغِيرِ وَالْغَائِبِ

[21301] Abu Bakr said: Humayd ibn 'Abd al-Rahman told us from Hasan ibn Salih, from Mutarrif, from Shurayh, regarding a house being sold while there is an absent or minor pre-emptor. He said: "The absent person has more right to pre-emption until he returns, and the minor until he grows up."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ
حَسَنِ بْنِ صَالِحٍ، عَنْ مُطَرِّفٍ، عَنْ شُرَيْبٍ، فِي الدَّارِ
تُبَيَّأْ وَبِهَا شَفِيعٌ غَائِبٌ أَوْ صَغِيرٌ، قَالَ: الْغَائِبُ أَحَقُّ
بِالشُّفْعَةِ حَتَّى يَرْجِعَ، وَالصَّغِيرُ حَتَّى يَكُبُرَ

[21302] Abu Bakr said: Jarir told us from Mughirah, from Ibrahim, who said: "There is no pre-emption for an absent person." And Al-Harith held that view.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُخْبِرَةَ، عَنْ
إِبْرَاهِيمَ، قَالَ: لَيْسَ لِغَائِبٍ شُفْعَةً وَكَانَ الْحَارِثُ يَرَى
ذَلِكَ

[21303] Abu Bakr said: Waki' told us: Sufyan told us from Jabir, from Al-Sha'bi, who said: "The absent person has pre-emption."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ جَابِرٍ، عَنِ الشَّعْبِيِّ، قَالَ: لِلْغَائِبِ شُفْعَةٌ

[21304] Abu Bakr said: Humayd ibn 'Abd al-Rahman told us from Hasan, from Mujalid, from Al-Sha'bi, who said: “The absent person has pre-emption; it should be written to him. If he accepts and sends the price, [then good], otherwise he has no pre-emption.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ حَسَنٍ، عَنْ مُجَالِدٍ، عَنْ الشَّعْبِيِّ، قَالَ: لِلْغَائِبِ شُفْعَةٌ تُكْتَبُ إِلَيْهِ، فَإِنْ أَخَذَ وَبَعَثَ بِالثَّمَنِ، وَإِلَّا فَلَا شُفْعَةَ لَهُ

[21305] Abu Bakr said: Mu'tamir ibn Sulayman told us from his father, from Al-Hasan and Ibn Sirin, who said: “Their opinion settled on Tawliyah (resale at cost price) being a sale.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ أَبِيهِ، عَنْ الْحَسَنِ، وَابْنِ سِيرِينَ، قَالَ: صَارَ قَوْلُهُمَا إِلَى أَنَّ التَّوْلِيَةَ بَيْعٌ

[21306] Abu Bakr said: Sharik told us from Jabir, from 'Amir, who said: “Tawliyah is a sale.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: التَّوْلِيَةُ بَيْعٌ

[21307] Abu Bakr said: Ibn Mubarak told us from Ma'mar, from Al-Zuhri, who said: “Tawliyah is a sale, and do not resell (Tawliyah) until you take possession.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، قَالَ: التَّوْلِيَةُ بَيْعٌ، وَلَا تُؤْلَى حَتَّى تَقْبِضَ

[21308] Abu Bakr said: Mu'tamir ibn Sulayman told us from Ma'mar, from Ibn Tawus, from his father, that he saw no harm in Tawliyah.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعْنَمُ بْنُ سُلَيْمَانَ، عَنْ مَعْمَرٍ، عَنْ ابْنِ طَاؤُسٍ، عَنْ أَبِيهِ، أَنَّهُ كَانَ لَا يَرَى بِالْتَّوْلِيهِ بِأَسَاطِيرِهِ

[21309] Abu Bakr said: Hafs told us from Abu Qays, from Ibn Sirin, who said: “Tawliyah is a sale.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَبِيهِ قَيْسٍ، عَنْ ابْنِ سِيرِينَ، قَالَ: الْتَّوْلِيهُ بَيْعٌ

[21310] Abu Bakr said: Mu'tamir ibn Sulayman told us from Ma'mar, from Al-Zuhri, who said: “Tawliyah is a sale.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعْنَمُ بْنُ سُلَيْمَانَ، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، قَالَ: الْتَّوْلِيهُ بَيْعٌ

[21311] Abu Bakr said: Ibn Idris told us from Hisham, from Muhammad, who said: “Tawliyah is a sale.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنْ مُحَمَّدٍ، قَالَ: الْتَّوْلِيهُ بَيْعٌ

[21312] Abu Bakr said: Waki' told us from Sufyan, from Hazn ibn Bishr, from Raja' ibn al-Harith, that a man was hired to return a runaway slave. He took him to return him, but the slave ran away from him. He disputed with him before Shurayh, who held him liable. That reached 'Ali, who said: "He judged poorly. He should swear by Allah that he ran away from him, and there is no liability on him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ حَرْنِ
بْنِ بِشْرٍ، عَنْ رَجَاءِ بْنِ الْحَارِثِ، أَنَّ رَجُلًا اجْتَعَلَ فِي
عَبْدٍ أَبِقَ، فَأَخَذَهُ لِيَرُدَّهُ فَأَبِقَ مِنْهُ، فَخَاصَّمَهُ إِلَى شُرَيْحٍ
فَضَمَّنَهُ، فَبَلَغَ ذَلِكَ عَلَيْهَا، فَقَالَ: "إِنَّمَا الْقَضَاءُ، يَخْلُفُ
بِاللَّهِ: لَا يَقُولُ مِنْهُ، وَلَا يَسْمَعُ عَلَيْهِ

[21313] Abu Bakr said: 'Ali ibn Mushir, 'Abdah, and Waki' told us from Ibn Abi Khalid, from Al-Sha'bi, regarding a man who took a runaway slave to return him and he escaped from him. He said: "He owes nothing."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ، وَعَبْدَهُ،
وَكِيعٌ، عَنْ ابْنِ أَبِي خَالِدٍ، عَنْ الشَّعْبِيِّ، فِي رَجُلٍ أَخْذَ
عَبْدًا أَبِقًا لِيَرُدَّهُ، فَدَاهَبَ مِنْهُ، قَالَ: لَيْسَ عَلَيْهِ شَيْءٌ

[21314] Abu Bakr said: Yahya ibn Sa'id al-Qattan told us from Ash'ath, from Al-Hasan, who said: "He owes nothing."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدِ الْقَطَّانِ، عَنْ
أَشْعَثَ، عَنِ الْحَسَنِ، قَالَ: لَيْسَ عَلَيْهِ شَيْءٌ

[21315] Abu Bakr said: Abu Mu'awiyah told us from Al-Shaybani, from Al-Sha'bi, from Shurayh, that a man took a runaway slave and he escaped from him. The slave's master came and presented him to Shurayh. Shurayh said: "He ran away from you before him, so he owes nothing."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو مُعاوِيَةَ، عَنِ الشَّيْبَانِيِّ،
عَنِ الشَّعْبِيِّ، عَنْ شُرَيْحٍ، أَنَّ رَجُلًا أَخْدَى عَبْدًا فَأَبْقَى
مِنْهُ، قَالَ: فَجَاءَ مَوْلَى الْعَبْدِ فَقَدَّمَهُ إِلَى شُرَيْحٍ فَقَالَ
شُرَيْحٌ: قَدْ أَبْقَى مِنْكَ قَبْلَهُ، فَلَيْسَ عَلَيْهِ شَيْءٌ

[21316] Abu Bakr said: Al-Dahhak ibn Makhlad told us from Ibn Jurayj, who said: Ibn Abi Mulaykah said to me: "If he escapes from him, he owes nothing."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلَدٍ، عَنْ ابْنِ
جُرَيْحٍ، قَالَ: قَالَ لِي ابْنُ أَبِي مُلَيْكَةَ: إِنْ ذَهَبَ مِنْهُ
فَلَيْسَ عَلَيْهِ شَيْءٌ

[21317] Abu Bakr said: Muhammad ibn Yazid told us from Abu al-'Ala', from Qatadah, Abu Hashim, and Mansur, who said: "If he flees from the one who took him, he has no liability."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ يَزِيدَ، عَنْ أَبِي
الْعَلَاءِ، عَنْ قَتَادَةَ، وَأَبِي هَاشِمٍ، وَمَنْصُورٍ، قَالُوا: إِنْ
فَرَّ مِنَ الْذِي أَخْدَهُ، فَلَيْسَ عَلَيْهِ ضَمَانٌ

[21318] Abu Bakr said: Yahya ibn Abi Za'idah and Ibn Abi Ghuniyyah told us from 'Abd al-Malik ibn Abi Ghuniyyah, from Al-Hakam, who said: Food was presented to 'Uthman during the time of the Prophet (saw). He said: "Let us go to 'Uthman to help him sell his food." He stood beside him while 'Uthman was saying: "In this sack is such-and-such amount, and I sell it for such-and-such." The Messenger of Allah (saw) said: "If you specify (a measure), then measure it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَبِي زَائِدَةَ، وَابْنُ أَبِي غَنِيَّةَ، عَنْ عَبْدِ الْمَلِكِ بْنِ أَبِي غَنِيَّةَ، عَنِ الْحَكَمِ، قَالَ: فُدُّمٌ لِعُثْمَانَ طَعَامٌ عَلَى عَهْدِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: ادْهَبُوا إِلَيَّ عُثْمَانَ ثُغِيْنَهُ عَلَى بَيْعِ طَعَامِهِ، فَقَامَ إِلَيْهِ وَعُثْمَانُ، يَقُولُ: فِي هَذِهِ الْغِرَارَةِ كَذَا وَكَذَا وَأَبِيْعُهَا بِكَذَا وَكَذَا، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِذَا سَمِيْنَتْ فَكُلْ

[21319] Abu Bakr said: 'Abbad ibn al-'Awwam told us from Al-Taymi, from Ibn Sirin, who said: "If he specifies the measure and weight, he should not sell it until he measures it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنِ التَّمِيميِّ، عَنْ أَبْنِ سِيرِينَ، قَالَ: إِذَا سَمَّى الْكَيْلَ وَالْوَزْنَ، فَلَا يَبْعُدُ حَتَّى يَكِيلَهُ

[21320] Abu Bakr said: 'Abbad ibn al-'Awwam told us from Sa'id, from Qatadah and Al-Hasan, that they said: "If he specifies the measure and weight, let him measure it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ سَعِيدِ، عَنْ قَتَادَةَ، وَالْحَسَنِ، أَنَّهُمَا قَالَا: إِذَا سَمَّى الْكَيْلَ وَالْوَزْنَ فَلْيَكِيلْهُ

[21321] Abu Bakr said: Jarir told us from Mughirah, from Ibrahim, who said: “If you make a Salam sale (advance payment) and specify a measure, do not take it randomly (without measuring).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا أَسْلَمْتَ سَلَمًا وَسَمَيْتَ كَيْلًا، فَلَا تَأْخُذْ جُزَافًا

[21322] Abu Bakr said: Ibn Abi Za'idah told us from Zakariyya, from Al-Sha'bi, who said: “If you buy food by its loads (Awsaq), measure it—meaning if you bought it by measure.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ رَكْرِيَّا، عَنْ الشَّعَبِيِّ، قَالَ: إِذَا ابْتَعْتَ طَعَامًا فِي أَوْسَاقِهِ فَكُلْهُ، يَعْنِي إِذَا ابْتَعْتَهُ كَيْلًا

[21323] Abu Bakr said: Yahya ibn Sa'id told us from Al-Taymi, from Al-Hasan, that he disliked reselling any food until he took possession of it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنِ التَّمِيميِّ، عَنِ الْحَسَنِ أَنَّهُ كَرِهَ أَنْ يُوَلِّي مِنَ الطَّعَامِ شَيْئًا حَتَّى يَقْبِضَهُ

[21324] Abu Bakr said: Ibn 'Ulayyah told us from Sa'id, from Qatadah, that he saw no harm in reselling food before taking possession, saying: “It is known.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ: أَنَّهُ كَانَ لَا يَرَى بَأْسًا بِتَوْلِيهِ الطَّعَامَ قَبْلَ أَنْ يَقْبِضَهُ، وَيَقُولُ: هُوَ مَعْرُوفٌ

[21325] Abu Bakr said: Ibn 'Ulayyah told us from Sa'id, from Wahb al-'Amī, from 'Ata', that he saw no harm in reselling it before taking possession.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهِ، عَنْ سَعِيدٍ، عَنْ وَهْبِ الْعَمَّيِّ، عَنْ عَطَاءٍ: أَنَّهُ كَانَ لَا يَرَى بَأْسًا أَنْ يُوَلِّهُ قَبْلَ أَنْ يَقْبِضَهُ

[21326] Abū Bakr reported: Abū Khālid al-Āḥmar reported from Yaḥyā ibn Sa'īd from Sa'īd who said: "Whoever buys something by measure or weight should not sell it until he possesses it. But he saw no harm in assigning it (Tawliyah) or sharing it (Shirkah) without measuring or weighing."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو خَالِدُ الْأَحْمَرُ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدٍ، قَالَ: مَنْ اشْتَرَ شَيْئًا بِكِيلٍ أَوْ وَزْنٍ، فَلَا يَبْيَعُهُ حَتَّى يَقْبِضَهُ، وَكَانَ لَا يَرَى بَأْسًا أَنْ يُوَلِّهُ أَوْ يُشْرِكَ فِيهِ بَعْضًا كُلِّهِ وَلَا وَزْنٍ

[21327] Abū Bakr reported: Ibn Abī Zā'idah reported from Sulaymān ibn Bilāl from Rabī'ah from Sa'īd ibn al-Musayyib, who raised it (to the Prophet ﷺ) saying: "There is no harm in Tawliyah (assigning) and Shirkah (sharing) before taking full possession."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ زَائِدَةَ، عَنْ سُلَيْمَانَ بْنِ بِلَالٍ، عَنْ رَبِيعَةَ، عَنْ سَعِيدِ بْنِ الْمُسِيَّبِ، رَفَعَهُ قَالَ: لَا بَأْسَ بِالثَّوْلِيَّةِ وَالشَّرِكَةِ قَبْلَ أَنْ يَسْتُوفَهُ

[21328] Abū Bakr reported: Abū al-Āḥwāṣ reported from ‘Abd al-‘Azīz ibn Rufay‘ from ‘Aṭā’ from Ḥizām ibn Ḥakīm who said: Ḥakīm said to me: I bought some food from the charity food and made a profit on it before I took possession of it. So I came to the Prophet ﷺ and he said: "Do not sell it until you take possession of it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو الْأَخْوَصِ، عَنْ عَبْدِ
الْعَزِيزِ بْنِ رُفَيْعٍ، عَنْ عَطَاءٍ، عَنْ جِرَامَ بْنِ حَكِيمٍ، قَالَ:
قَالَ لِي حَكِيمٌ: إِنِّي أَتَعْطَى طَعَامًا مِنْ طَعَامِ الصَّدَقَةِ،
فَرَبِحْتُ فِيهِ قَبْلَ أَنْ أَفْسِدَهُ، فَأَتَيْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ
وَسَلَّمَ فَقَالَ: لَا تَنْعِمْ حَتَّى تَفْسِدَهُ

[21329] Abū Bakr reported: ‘Alī ibn Mušhir and Ibñ Abī Zā’idah both reported from ‘Ubaydullāh from Nāfi‘ from Ibñ ‘Umar who said: The Messenger of Allah ﷺ said: "When one of you buys food, he should not sell it until he takes possession of it." Ibñ Abī Zā’idah said: "And receives it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ، وَابْنُ أَبِي
رَائِدَةَ، كِلَاهُمَا عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ،
قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِذَا ابْتَاعَ
أَحَدُكُمْ طَعَامًا فَلَا يَبِيعُهُ حَتَّى يَفْسِدَهُ. قَالَ ابْنُ أَبِي
رَائِدَةَ: وَيَفْسِدُهُ

[21330] Abū Bakr reported: ‘Abbād ibn al-‘Awwām reported from Ḥajjāj from ‘Atīyyah from Ibñ ‘Umar who said: I asked him about raisins, dates, wheat, and barley. He said: "There is no harm in it, but do not sell it until you take possession of it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ حَجَاجِ
عَنْ عَطِيَّةَ، عَنْ ابْنِ عُمَرَ، قَالَ: سَأَلْتُهُ فِي الزَّبِيبِ
وَالثَّمْرِ وَالْحِنْطَةِ وَالشَّعْيرِ، فَقَالَ: لَا بَأْسَ بِهِ، وَلَكِنْ لَا
تَبِيعُهُ حَتَّى تَفْسِدَهُ

[21331] Abū Bakr reported: Ibn ‘Ulayyah reported from Ayyūb from Nāfi‘ who said: I was informed that Ḥakīm ibn Ḥizām used to buy food vouchers (Ṣikāk al-Rizzq), and ‘Umar forbade him to sell until he took possession.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهِ، عَنْ أَيُوبَ، عَنْ نَافِعٍ، قَالَ: ثُبَّتْتُ، أَنَّ حَكِيمَ بْنَ حِزَامٍ كَانَ يَسْتَرِي سِكَاكَ الرِّزْقِ فَنَهَاهُ عُمَرُ أَنْ يَبْيَعَ حَتَّى يَقْبِضَ

[21332] Abū Bakr reported: ‘Alī ibn Mushir reported from Al-Shaybānī who said: Muḥammad ibn Bašīr reported from ‘Ubaydullāh from Nāfi‘ from Ibn ‘Umar from ‘Umar, similar to the hadith of Ayyūb.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ، عَنْ الشَّيْبَانِيِّ، قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَشِيرٍ، عَنْ عَبْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، عَنْ عُمَرَ، بِنْ حَوْرٍ مِنْ حَدِيثِ أَيُوبَ

[21333] Abū Bakr reported: ‘Alī ibn Mushir reported from Ismā‘il ibn Abī Khālid from Al-Sha‘bī who said: "Whenever you buy something, never sell it until you take possession of it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنْ الشَّعْبِيِّ، قَالَ: إِذَا ابْتَعَثْتَ بَيْعًا أَبْدًا فَلَا تَبْيَعْهُ حَتَّى تَقْبِضَهُ

[21334] Abū Bakr reported: ‘Abdah ibn Sulaymān reported from Yahyā ibn Sa‘id from Sa‘id ibn al-Musayyib who said: "If you buy food, do not sell it until you take possession of it." And he saw no harm in partnership or giving the price.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدَهُ بْنُ سُلَيْمَانَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: إِذَا اشْتَرَيْتَ طَعَامًا، فَلَا تَبْيَعْهُ حَتَّى تَقْبِضَهُ، وَلَا يَرَى بِالشَّرْكَةِ بِأَسَاسِ أُو تَعْطِيهِ الثَّمَنَ

[21335] Abū Bakr reported: ‘Abdullāh ibn Numayr reported from ‘Abd al-Malik from ‘Aṭā’ regarding a man who buys goods and then sells them before taking possession. He said: "He should not take possession of it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ نُمَيْرٍ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ، فِي الرَّجُلِ يَشْتَرِي الْبَيْعَ، ثُمَّ يَبْيَعُ قَبْلَ أَنْ يَقْبِضَهُ، قَالَ: لَا يَقْبِضُهُ

[21336] Abū Bakr reported: Ibn Mahdī reported from Sufyān from his father who said: I heard Ibrāhīm being asked about a man selling goods before taking possession of them. He said: "That only applied to things measured or weighed."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيًّا، عَنْ سُفْيَانَ، عَنْ أَبِيهِ، قَالَ: سَمِعْتُ إِبْرَاهِيمَ، سُئِلَ عَنِ الرَّجُلِ يَبْيَعُ الْبَيْعَ قَبْلَ أَنْ يَقْبِضَهُ، فَقَالَ: إِنَّمَا كَانَ ذَلِكَ فِي الْكِيلِ وَالْوَزْنِ

[21337] Abū Bakr reported: Hushaym reported from ‘Amr ibn Dīnār from Ṭāwūs from Ibn ‘Abbās who said: "The food that was forbidden to be sold until possessed; I reckon everything is like food."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ طَاؤِسٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: الطَّعَامُ الَّذِي نُهِيَ عَنْهُ لَا يُبَاعُ حَتَّى يُقْبَضَ، وَأَحْسِبُ كُلَّ شَيْءٍ مِثْلَ الطَّعَامِ

[21338] Abū Bakr reported: Muḥammad ibn Muyassar reported from Ibn Jurayj from Al-Sha'bī from Khārijah ibn Zayd from Zayd ibn Thābit that he used to forbid those who bought pages (lists/shares) of Al-Jār until they received them fully.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ مُيَسَّرٍ، عَنِ ابْنِ جُرَيْجَ، عَنِ الشَّعْبِيِّ، عَنْ حَارِجَةَ بْنِ زَيْدٍ، عَنْ زَيْدِ بْنِ تَابِتٍ أَنَّهُ كَانَ يَنْهَا الَّذِينَ يَبْتَاعُونَ صُحْفَ الْجَارِ حَتَّى يَسْتَوْفُوهَا

[21339] Abū Bakr reported: Waki' reported from Sufyān from Ibn Ṭāwūs from his father from Ibn 'Abbās who said: The Messenger of Allah ﷺ said: "Whoever buys food should not sell it until he measures it." I said to Ibn 'Abbās: "Why?" He said: "Do you not see that they are buying gold and food deferred?"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفيَانَ، عَنِ ابْنِ طَاؤُوسٍ، عَنْ أَبِيهِ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ ابْتَاعَ طَعَامًا فَلَا يَبِيعُ حَتَّى يَكُتَّالُهُ قُلْتُ لِابْنِ عَبَّاسٍ: لِمَ؟ قَالَ: أَلَا تَرَى أَنَّهُمْ يَبْتَاعُونَ الدَّهَبَ وَالطَّعَامَ مُرْجَنًا

[21340] Abū Bakr reported: Zayd ibn Khabbāb reported: Al-Ḍahhāk ibn 'Uthmān reported: Bukayr ibn 'Abdullāh ibn al-Ashajj informed me from Sulaymān ibn Yasār from Abū Hurayrah that the Prophet ﷺ said: "Whoever buys food should not sell it until he measures it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا زَيْدُ بْنُ خَبَابٍ، قَالَ: حَدَّثَنَا الصَّحَّاحُ بْنُ عُثْمَانَ، قَالَ: أَخْبَرَنِي بُكَيْرُ بْنُ عَبْدِ اللَّهِ بْنِ الْأَشْجَجَ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: مَنْ ابْتَاعَ طَعَامًا فَلَا يَبِيعُ حَتَّى يَكُتَّالُهُ

[21341] Abū Bakr reported: Ismā‘il ibn ‘Ulayyah reported from Layth from ‘Abd al-A'lā from Abū ‘Abd al-Rahmān from ‘Alī regarding: {And give them from the wealth of Allah which He has given you} [An-Nūr: 33]. He said: "A quarter from the first of his installments."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ ابْنُ عُلَيْهِ، عَنْ لَيْثٍ، عَنْ عَبْدِ الْأَعْلَى، عَنْ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ [33]: عَلَيْهِ {وَأَنْوَهُمْ مِنْ مَالِ اللَّهِ الَّذِي آتَكُمْ} [النور] قَالَ: الرُّبُعُ مِنْ أَوَّلِ نُجُومِهِ

[21342] Abū Bakr reported: Waki‘ reported from Sufyān from Sālim from Sa‘īd ibn Jubayr from Ibn ‘Umar that he disliked a man reducing (the debt) of his Mukātab (slave contracting for freedom) until the last installment, fearing he might fail to pay.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ سَالِمٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ أَبْنِ عُمَرَ، أَنَّهُ كَرِهَ أَنْ يَضْعَفَ الرَّجُلُ عَنْ مُكَاتَبَهِ حَتَّى يَكُونَ فِي آخِرِ نَجْمٍ مَخَافَةً أَنْ يَعْجَزَ

[21343] Abū Bakr reported: Azhar reported from Ibn ‘Awn who said: Ibn Sirīn liked that if there was a Mukātab, he should write in the contract: "Deducting from the last of your installments."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَزْهَرُ، عَنْ أَبْنِ عَوْنِ، قَالَ: كَانَ أَبْنُ سِيرِينَ، يُحِبُّ إِذَا كَانَ الْمُكَاتَبُ أَنْ يَكْتُبَ فِي الْكِتَابِ، وَأَخْطَأً مِنْ آخِرِ نَجْمٍ مِنْ نُجُومِكَ

[21344] Abū Bakr reported: Mu'tamir reported from Layth from Mujāhid who said: "You give the Mukātab a quarter of his entire Mukātabah amount, hastening it from your wealth."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعْتَمِرٌ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ، قَالَ: الْمُكَاتَبُ تُعْطِيهِ الرُّبُعَ مِنْ جَمِيعِ مُكَاتَبَتِهِ تُعَجِّلُهَا مِنْ مَالِكٍ

[21345] Abū Bakr reported: Waki' reported from Abū Shabīb from 'Ikrimah from Ibn 'Abbās that 'Umar contracted Mukātabah with a slave of his named Abū Umayyah. When he came with his installment, he said: "O Abū Umayyah, seek help with this in your Mukātabah." He said: "O Commander of the Faithful, if only you had left it until the last installment." He said: "I fear I may not reach that." Then he recited: {And give them from the wealth of Allah which He has given you} [An-Nūr: 33]. 'Ikrimah said: "It was the first installment paid in Islam."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ أَبِي شَبِيبٍ، عَنْ عَكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ، أَنَّ عُمَرَ كَاتَبَ عَبْدًا لَهُ يُكَنِّي أَبَا أُمِيَّةَ، فَجَاءَهُ بِنَجْمِهِ حِينَ جَاءَ، فَقَالَ: يَا أَبَا أُمِيَّةَ اسْتَعِنُ بِهِ فِي مُكَاتَبَتِكَ، فَقَالَ: يَا أَمِيرَ الْمُؤْمِنِينَ، لَوْ تَرَكْتَهُ حَتَّى يَكُونَ فِي آخِرِ نَجْمٍ، قَالَ: "إِنِّي أَخَافُ أَنْ لَا أُذْرِكَ ذَلِكَ، ثُمَّ قَرَا: {وَأَتُوَهُمْ مِنْ مَالِ اللَّهِ الَّذِي قَالَ عَكْرَمَةُ: "وَكَانَ أَوَّلَ نَجْمٍ". [33: آتَكُمْ] [النُورُ أُذْيَ فِي الْإِسْلَامِ

[21346] Abū Bakr reported: Ibn Abī Zā'īdah reported from Al-Hakam ibn 'Aṭiyah from Muḥammad ibn Sīrīn who said: "They used to like that a man leaves a portion of his Mukātabah for his

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنِ الْحَكَمِ بْنِ عَطِيَّةَ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، قَالَ: كَانَ يُعْجِذُهُمْ أَنْ يَدْعُ الرَّجُلُ لِمُكَاتِبِهِ طَافِهًةً مِنْ مُكَاتَبَتِهِ

[21347] Abū Bakr reported: Ibn Abī Zā'īdah reported from 'Abd al-Malik from 'Aṭā' regarding His saying: {And give them from the wealth of Allah which He has given you} [An-Nūr: 33]. He said: "From what Allah has brought out for you from his Mukātabah."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ فِي قَوْلِهِ تَعَالَى: {وَأَثُوْهُمْ مِنْ مَالِهِ} قَالَ: مِمَّا أَخْرَجَ اللَّهُ لَكُمْ [33: الَّذِي آتَكُمْ] [النور] مِنْ مُكَاتَبَتِهِ

[21348] Abū Bakr reported: Ibn Abī Zā'īdah reported from Ḥajjāj from 'Aṭā' who said: "You give him whatever you are willing to give; there is nothing fixed in it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ حَاجَاجَ، عَنْ عَطَاءٍ، قَالَ: تُعْطِيهِ مَا طَابَتْ بِهِ نَفْسُكَ، وَلَيْسَ فِيهِ شَيْءٌ مُؤَقِّتٌ

[21349] Abū Bakr reported: Abū Khālid reported from Ḥajjāj from 'Aṭā'; and from Al-Qāsim from Mujālid from Mujāhid; they both said: "It is deducted from him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ، عَنْ حَاجَاجَ، عَنْ عَطَاءٍ، وَعَنِ الْفَاسِمِ، عَنْ مُجَاهِدٍ، عَنْ مُجَاهِدٍ، قَالَا: يُوضَعُ عَنْهُ

[21350] Abū Bakr reported: Ibn Idrīs reported from Layth from Mujāhid regarding {And give them from the wealth of Allah which He has given you} [An-Nūr: 33]. He said: "From what is in your hands."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ، {وَأْتُوهُمْ مِنْ مَالِ اللَّهِ الَّذِي أَتَكُمْ} [النور: 33]

[21351] Abū Bakr reported: Ibn Fuḍayl reported from ‘Atā’ from Abū ‘Abd al-Rahmān that he contracted Mukātabah with a slave and gave him a quarter. He said: This is the saying of ‘Alī regarding {And give them from the wealth of Allah which He has given you} [An-Nūr: 33].

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ عَطَاءٍ، عَنْ أَبِي عَبْدِ الرَّحْمَنِ، أَنَّهُ كَاتَبَ عُلَامَاءً، فَأَعْطَاهُ الرُّبْعَةَ وَقَالَ: هَذَا قَوْلُ عَلَيِّ: {وَأْتُوهُمْ مِنْ مَالِ اللَّهِ الَّذِي أَتَكُمْ} [النور: 33]

[21352] Abū Bakr reported: Mu’tamir reported from ‘Adī ibn al-Faḍl who said: I came to ‘Umar ibn ‘Abd al-‘Azīz and asked his permission to dig a well. He said: "Write its protective zone (Harīm) as fifty cubits. He has no right of a Muslim, nor does it harm him, and the wayfarer is the first to drink."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعْتَمِرٌ، عَنْ عَدَى بْنِ الْفَضْلِ، قَالَ: أَتَيْتُ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، فَاسْتَخْرَجَ لَهُ بِرْعًا، قَالَ: اكْتُبْ حَرِيمَهَا خَمْسِينَ ذِرَاعًا، وَلَيْسَ لَهُ حَقُّ مُسْلِمٍ، وَلَا يَضُرُّهُ، وَابْنُ السَّبِيلِ أَوَّلُ مَنْ يَشْرَبُ

[21353] Abū Bakr reported: Ibn Abī Zā'idah reported from Muḥammad ibn Ishāq who said: I asked Abū Bakr ibn Muḥammad ibn 'Amr ibn Hazm about the resting places (Al-A'ṭān). He said: "As for the people of Jahiliyyah, it was fifty cubits on each side, so there would be a hundred between two wells. When Islam came, they saw that less than that was sufficient, so for each well twenty-five cubits were assigned on each side, totaling fifty cubits."

[21354] Abū Bakr reported: Ibn Abī Zā'idah reported from Ash'ath from 'Āmir who said: "The protective zone of a well is forty cubits in total. No one has the right to intrude upon his resting place or water."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، قَالَ: سَأَلْتُ أَبَا بَكْرٍ بْنَ مُحَمَّدٍ بْنَ عَمْرُو بْنَ حَزْمٍ، عَنِ الْأَعْطَانِ، فَقَالَ: أَمَّا أَهْلُ الْجَاهِلِيَّةِ فَكَانُوا حَمْسِينَ ذِرَاعًا لِنَاحِيَتِهَا يَكُونُ بَيْنَ الْبَيْرَيْنِ مِائَةً، فَلَمَّا كَانَ الْإِسْلَامُ رَأَوْا أَنَّ دُونَ ذَلِكَ مُجْزِيًّا، فَجَعَلُوا لِكُلِّ بَيْرٍ خَمْسُ وَعِشْرُونَ ذِرَاعًا لِنَاحِيَتِهَا خَمْسُونَ ذِرَاعًا

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ أَسْعَثَ، عَنْ عَامِرٍ، قَالَ: حَرِيمُ الْبَيْرِ أَرْبَعُونَ ذِرَاعًا كُلُّهَا، لَيْسَ لِأَحَدٍ أَنْ يَدْخُلَ عَلَيْهِ فِي عَطَنِيهِ وَلَا مَائِهِ

[21355] Abū Bakr reported: ‘Abd al-A’lā reported from Ma’mar from Al-Zuhrī from Sa’id ibn al-Musayyib who said: "The protective zone of a newly dug well is twenty-five cubits, and the protective zone of an ancient well is fifty cubits, and the protective zone of cultivation is three hundred cubits." Al-Zuhrī said: "It reached me that the protective zone of a spring is five hundred cubits."

[21356] Abū Bakr reported: Wakī‘ reported: Sufyān reported from Yūnus from Al-Hasan; and from Jābir from Al-Sha‘bī; they both said: "The protective zone of a well is forty cubits."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمِرٍ، عَنِ الرُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبٍ، قَالَ: حَرِيمٌ بِنْ الْبَدِيءِ خَمْسَةٌ وَعِشْرُونَ ذِرَاعًا، وَحَرِيمٌ الْعَادِيَةِ خَمْسُونَ ذِرَاعًا، وَحَرِيمٌ الزَّرْعِ تَلَاثِمَائَةً ذِرَاعًا. قَالَ الرُّهْرِيُّ: وَبِأَغْنِي أَنَّ حَرِيمَ الْعَيْنِ خَمْسِمَائَةً ذِرَاعًا

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِبِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، وَعَنْ جَابِرٍ، عَنِ الشَّعْبِيِّ، قَالَا: حَرِيمُ الْبَلْرِ أَرْبَعُونَ ذِرَاعًا

[21357] Abū Bakr reported: Waki‘ reported: Sufyān reported from Ismā‘īl ibn Umayyah from Al-Zuhri from Sa‘īd ibn al-Musayyib who said: The Messenger of Allah ﷺ said: "The protective zone of a nomad's well is twenty-five cubits, and the protective zone of an ancient well is fifty cubits." Sa‘īd said: "And the protective zone of a gold mine well is three hundred cubits."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ
عَنْ إِسْمَاعِيلَ بْنِ أُمَيَّةَ، عَنِ الرُّهْرِيِّ، عَنْ سَعِيدِ بْنِ
الْمُسَيَّبِ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ:
حَرِيمٌ بِنْ الْبَدْوِ خَمْسَةً وَعِشْرُونَ ذِرَاعًا، وَحَرِيمٌ الْبَلْرُ
الْعَادِيَّةُ خَمْسُونَ ذِرَاعًا. قَالَ سَعِيدٌ: وَحَرِيمٌ بِنْ الدَّهْبِ
ثَلَاثِينَ مائَةً ذِرَاعًا

[21358] Abū Bakr reported: Waki‘ reported from Sa‘d ibn Aws al-‘Absī from Bilāl ibn Yahyā al-‘Absī who said: The Messenger of Allah ﷺ said: "There is no reserved land (Himā) except in three: the perimeter of a well, the length of a horse's tether, and the circle of people."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سَعِيدِ بْنِ أُوسٍ
الْعَبَّاسِيِّ، عَنْ بِلَالِ بْنِ يَحْيَى الْعَبَّاسِيِّ، قَالَ: قَالَ رَسُولُ
اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: "لَا جَمَى إِلَّا فِي ثَلَاثَةِ ثُلَاثَةِ
الْقَلِيبِ يَعْنِي حَرِيمَ الْبَلْرُ، وَطَوْلَ الْفَرَسِ وَحَلَقَةَ الْقَوْمِ

[21359] Abū Bakr reported: Ibn Mubārak reported from Abū Ḥamzah al-Sukkarī from Yazīd al-Naḥwī from Muṣṭafā from Abū Hurayrah who said: A woman from Quraysh made a slave of hers Mudabbar (freed upon death), then she wanted to contract Mukātabah with him. The messenger wrote to Abū Hurayrah, who said: "Contract Mukātabah with him. If he pays his Mukātabah, then that is it. And if something happens to him (death), he is free." He said: And I think he considered what remained of his Mukātabah as debt.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ أَبِي حَمْزَةَ السَّكْرِيِّ، عَنْ يَزِيدَ النَّحْوِيِّ، عَنْ مُجَاهِدٍ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: دَبَرْتِ امْرَأَةً مِنْ قُرَيْشٍ غُلَامًا لَهَا، ثُمَّ أَرَادَتْ أَنْ تُكَاتِبَهُ، فَكَتَبَ الرَّسُولُ إِلَى أَبِي هُرَيْرَةَ، فَقَالَ: كَاتِبِيهِ، فَإِنْ أَدَى مُكَاتَبَتَهُ فَذَاكَ، وَإِنْ حَدَثَ بِهِ حَدَثٌ عَنْقَ قَالَ: وَأَرَاهُ مَا كَانَ عَلَيْهِ لَهَا مِنْ كِتَابَتِهِ شَيْءٌ

[21360] Abū Bakr reported: ‘Abbād reported from Ḥajjāj from Muḥammad ibn Qays ibn al-Aḥnaf from his father from Ibn Mas’ūd regarding a man who sells a Mudabbar whose service he owns. He said: "Whatever his master took belongs to him, and whatever remains is nothing."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ، عَنْ حَجَاجٍ، عَنْ مُحَمَّدِ بْنِ قَيْسِ بْنِ الْأَحْنَفِ، عَنْ أَبِيهِ، عَنْ ابْنِ مَسْعُودٍ، فِي الرَّجُلِ يَبْيَعُ مُدَبَّرًا لَهُ خَدْمَتُهُ، قَالَ: مَا أَخَدَ سَيِّدًا فَهُوَ لَهُ، وَمَا يَقِيَ فَلَا شَيْءٌ

[21361] Abū Bakr reported: Hushaym reported from Ḥajjāj from Muḥammad ibn Qays ibn al-Āhnaf from his father from Ibn Mas‘ūd similar to the hadith of ‘Abbād, except that he said: "You have nothing if your companion dies."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ حَاجَجِ، عَنْ مُحَمَّدِ بْنِ قَيْسِ بْنِ الْأَخْنَفِ، عَنْ أَبِيهِ، عَنْ ابْنِ مَسْعُودٍ بِمِثْلِ حِدِيثِ عَبَادٍ إِلَّا أَنَّهُ قَالَ: لَا شَيْءٌ لَكُمْ إِذَا مَاتَ صَاحِبُكُمْ

[21362] Abū Bakr reported: Hushaym reported from Ḥajjāj who said: Dāwūd ibn Ḥurayth informed me, saying: I witnessed Shurayḥ judging by that.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ حَاجَجِ، قَالَ: أَخْبَرَنِي دَاؤُدُّ بْنُ حُرَيْثٍ، قَالَ: شَهَدْتُ شُرَيْحًا قَضَى بِذَلِكَ

[21363] Abū Bakr reported: Zayd ibn Ḥubāb reported from Abū ‘Awānah from Qatādah from Al-Hasan who said: "What remains is taken from him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ، عَنْ أَبِي عَوَانَةَ، عَنْ قَتَادَةَ، عَنْ الْحَسَنِ، قَالَ: يُؤْخَذُ عَلَيْهِ مَا بَقَيَ

[21364] Abū Bakr reported: ‘Abd al-Salām reported from Ayyūb and Hishām from Ibn Sīrīn who said: "The Mudabbar is not sold except to himself."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامِ، عَنْ أَئِبْرَةِ، وَهِشَامٍ، عَنْ ابْنِ سِيرِينَ، قَالَ: لَا يُبَاعُ الْمُدَبَّرُ إِلَّا مِنْ نَفْسِهِ

[21365] Abū Bakr reported: ‘Abbād ibn al-‘Awwām reported from Hishām from Ibn Sīrīn who said: "He used to dislike selling him, but saw no harm in contracting Mukātabah with him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ هِشَامٍ، عَنْ أَبْنِ سِيرِينَ، قَالَ: كَانَ يَكْرَهُ بَيْعَهُ، وَلَا يَرَى بِأَسَا

أَنْ يُكَاتِبَهُ

[21366] Abū Bakr reported: Waki‘ reported from Sufyān from Ibn Jurayj from ‘Atā‘ who said: "The service of the Mudabbar is not sold except to himself."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ أَبْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: لَا تُبَاعُ خِدْمَةُ الْمَدَبَّرِ إِلَّا مِنْ نَفْسِهِ

[21367] Abū Bakr reported: ‘Isā ibn Yūnus reported from Ibn ‘Awn that Ibn ‘Umar had an orphan girl under his guardianship. He married her off and gave her wealth to her husband as Muḍārabah (partnership).

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنْ أَبْنِ عَوْنِ: أَنَّ أَبْنَ عُمَرَ كَانَ فِي حِجْرِهِ بَيْتِيْمَةً، فَزَوَّجَهَا وَدَفَعَ مَالَهَا إِلَى زَوْجِهَا مُضَارَّةً

[21368] Abū Bakr reported: Ibn Abī Zā’idah and Waki‘ reported from ‘Abdullāh ibn Ḥumayd from his father from his grandfather that ‘Umar ibn al-Khaṭṭāb was given the wealth of an orphan as Muḍārabah. He traded with it and made a profit, so he shared the profit with him, then they separated.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، وَوَكِيعٌ، عَنْ عَبْدِ اللَّهِ بْنِ حُمَيْدٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ دُفِعَ إِلَيْهِ مَالُ بَيْتِيْمَةَ، فَطَلَّبَ فِيهِ فَأَصَابَ فَقَاسَمَهُ الْفَضْلُ ثُمَّ تَفَرَّقَا

[21369] Abū Bakr reported: Ḥafṣ ibn Ghayāth reported from Dāwūd from Al-Sha'bī that 'Umar ibn al-Khaṭṭāb had the wealth of an orphan, so he gave it as Muḍārabah in the sea (maritime trade).

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ دَاؤِدَ،
عَنِ الشَّعْبِيِّ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ كَانَ عِنْدَهُ مَالٌ يَتَبَرِّعُ
فَأَعْطَاهُ مُضَارَبَةً فِي الْبَحْرِ

[21370] Abū Bakr reported: 'Abd al-A'lā reported from Dāwūd from Al-Sha'bī from Al-Ḥasan ibn 'Alī that he managed the wealth of an orphan and gave it to... (text unclear/incomplete).

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ دَاؤِدَ، عَنِ
الشَّعْبِيِّ، عَنِ الْحَسَنِ بْنِ عَلَىٰ، أَنَّهُ وَلَيْ مَالٌ يَتَبَرِّعُ
إِلَى رِيْ لَهُ

[21371] Abū Bakr reported: Wakī' reported from Sufyān from Maṇṣūr from Ibrāhīm who said: "There is no harm if the guardian works with the orphan's wealth." I said to Ibrāhīm: "If it is lost, is he liable?" He said: "No."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ
مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا بَأْسَ أَنْ يَعْمَلَ الْوَصِيُّ
بِمَالِ الْيَتَمِّ. فُلِتْ لِإِبْرَاهِيمَ: إِنْ تَوَى يَصْمُنْ؟ قَالَ: لَا

[21372] Abū Bakr reported: Wakī' reported from Ḥasan ibn Ṣalīḥ from Maṇṣūr from Ibrāhīm who said: "There is no harm if the guardian works with the orphan's wealth, having a return (profit share) for himself."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ حَسَنِ بْنِ صَالِحٍ،
عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا بَأْسَ أَنْ يَعْمَلَ
الْوَصِيُّ بِمَالِ الْيَتَمِّ لَهُ أُوْبَةٌ

[21373] Abū Bakr reported: Sahl ibn Yūsuf reported from Sahl from Al-Hasan that he disliked giving the orphan's wealth as Muḍārabah and said: "Guarantee it, and do not expose it to land or sea."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا سَهْلُ بْنُ يُوسُفَ، عَنْ سَهْلٍ،
عَنِ الْحَسَنِ، أَنَّهُ كَرِهَ أَنْ يُدْفَعَ مَالُ الْيَتَيمِ مُضَارَّهُ
وَيَقُولُ: اضْمِنْهُ، وَلَا تُعَرِّضْهُ لِبَرٍّ وَلَا بَحْرٍ

[21374] Abū Bakr reported: Yahyā ibn Ya'lā reported from 'Uthmān ibn al-Aswad from Mujāhid regarding the orphan's wealth: "If you trade with it and profit, it is for him. If it is lost, you guarantee it. If you deposit it and it perishes, there is nothing upon you."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ يَعْلَى، عَنْ عُثْمَانَ
بْنِ الْأَسْوَدِ، عَنْ مُجَاهِدٍ، قَالَ فِي مَالِ الْيَتَيمِ: إِنْ اتَّجَرْتَ
فِيهِ فَرَبِحْتَ فَلْمَ، وَإِنْ ضَاعَ ضَمِنْتُ، وَإِنْ وَضَعْتُ،
فَهَلَّكَ فَلَيْسَ عَلَيْكَ

[21375] Abū Bakr reported: 'Alī ibn Mushir reported from Yahyā ibn Sa'īd from Al-Qāsim who said: "We were orphans under the guardianship of 'Ā'ishah, and she used to pay Zakat on our wealth and invest it in maritime trade."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْعُرٍ، عَنْ يَحْيَى
بْنِ سَعِيدٍ، عَنِ الْفَاسِمِ، قَالَ: كُنَّا أَيْتَامًا فِي حِجْرِي
عَائِشَةَ فَكَانَتْ تُزْكِيُّ أَمْوَالَنَا وَتُبْنِيُّهَا فِي الْبَحْرِ

[21376] Abū Bakr reported: Waki‘ reported: Fuḍayl ibn Marzūq reported from Al-Dahhāk regarding: {And do not approach the property of the orphan, except in the way that is best} [Al-An‘ām: 152]. He said: "He seeks [profit] for the orphan in his wealth."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا فُضَيْلُ بْنُ مَرْزُوقٍ، عَنِ الصَّحَّاْكِ، {وَلَا تَقْرَبُوا مَالَ الْيَتَمِّ إِلَّا قَالَ: يَبْتَغِي لِلْيَتَمِّ[152]: بِالَّتِي هِيَ أَحْسَنُ} [الأنعام]
فِي مَالِهِ

[21377] Abū Bakr reported: Ismā‘il ibn ‘Ulayyah reported from Ayyūb from ‘Amr ibn Dīnār from Al-Ḥasan al-‘Uraṇī, a man from the people of Kufa, that a man said: "O Messenger of Allah, may I discipline my orphan?" He said: "Discipline him as you would discipline your own child." He said: "What may I eat from his wealth?" He said: "Fairly, without hoarding from his wealth, nor protecting your wealth with his wealth."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عُلَيَّةَ، عَنْ أَيُوبَ، عَنْ عَمْرِو بْنِ دِينَارٍ، عَنِ الْحَسَنِ الْعَرَنِيِّ، رَجُلٌ مِنْ أَهْلِ الْكُوفَةِ أَنَّ رَجُلًا قَالَ: يَا رَسُولَ اللَّهِ أَضْرِبْ يَتَمِّي؟ قَالَ: اضْرِبْهُ مِمَّا كَنْتُ صَارِبًا مِنْهُ وَلَذِكَ قَالَ: فَمَا أَكُلُّ مِنْ مَالِهِ؟ قَالَ: بِالْمَعْرُوفِ غَيْرَ مُتَّلِّ مِنْ مَالِهِ وَلَا وَاقِيًّا مَالَكَ بِمَالِهِ

[21378] Abū Bakr reported: Ibn al-Mubārak reported from Al-Rabī‘ ibn Anas from Abū al-Āliyah who said: "Whatever you eat from the orphan's wealth is a debt upon you. Do you not see His saying: {And when you release their property to them, call in witnesses against them} [An-Nisā': 6]?"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ الْمُبَارَكِ، عَنِ الرَّبِيعِ بْنِ أَنَسٍ، عَنْ أَبِي الْعَالِيَةِ، قَالَ: مَا أَكَلْتُ مِنْ مَالِ الْيَتَمِّيْمِ فَهُوَ دَيْنٌ عَلَيْكَ، أَلَا تَرَى إِلَى قَوْلِهِ: {فَإِذَا دَفَعْتُمْ إِلَيْهِمْ أَمْوَالَهُمْ فَأَشْهُدُوا عَلَيْهِمْ} [النساء 6]

[21379] Abū Bakr reported: Ibn ‘Ulayyah reported from Salamah ibn ‘Alqamah from Ibn Sīrīn who said: I asked ‘Abaydah about His saying: {And whoever is rich, let him abstain, and whoever is poor, let him consume reasonably} [An-Nisā': 6]. He said: "It is only a loan. Do you not see His saying: {And when you release their property to them, call in witnesses against them} [An-Nisā': 6]?"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عَلَيَّةَ، عَنْ سَلَمَةَ بْنِ عَلْقَمَةَ، عَنْ ابْنِ سِيرِينَ، قَالَ: سَأَلْتُ عَبِيدَةَ عَنْ قَوْلِهِ: {وَمَنْ كَانَ عَنِّيْا فَلْيَسْتَعْفِفْ وَمَنْ كَانَ فَقِيرًا فَلْيَأْكُلْ} ، قَالَ: إِنَّمَا هُوَ قَرْضٌ، أَلَا [6: بِالْمَعْرُوفِ] [النساء 6] شَرَى إِلَى قَوْلِهِ: {فَإِذَا دَفَعْتُمْ إِلَيْهِمْ أَمْوَالَهُمْ فَأَشْهُدُوا عَلَيْهِمْ} [النساء 6]

[21380] Abū Bakr reported: Ibn ‘Ulayyah reported from Ibn Abī Najīḥ from Mujaḥid regarding His saying: {And whoever is rich, let him abstain, and whoever is poor, let him consume reasonably} [An-Nisā’: 6]. He said: "He borrows from him: he trades with it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهِ، عَنِ ابْنِ أَبِي تَحْبِيجٍ، عَنْ مُجَاهِدٍ، فِي قَوْلِهِ: {وَمَنْ كَانَ غَنِيًّا فَلْيَسْتَعْفِفْ وَمَنْ كَانَ فَقِيرًا فَلْيُكُنْ بِالْمَعْرُوفِ} [النساء: يَسْتَسْلِفُ مِنْهُ: يَتَجَرُّ فِيهِ] 6

[21381] Abū Bakr reported: Jarīr reported from Al-Shaybānī from ‘Ikrimah from Ibn ‘Abbās who said: "If the guardian is in need, he puts his hand with their hands (eats with them), but does not clothe himself with a turban (from their wealth)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنِ الشَّيْبَانِيِّ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: الْوَصِيُّ إِنْ احْتَاجَ وَضَعَ يَدَهُ مَعَ أَيْدِيهِمْ وَلَا يَكْسِي عِمَامَةً

[21382] Abū Bakr reported: Wakī‘ reported from ‘Abdah ibn Abī Usāmah from Abū Yaḥyā from Ibn ‘Abbās regarding His saying: {And whoever is poor, let him consume reasonably} [An-Nisā’: 6]. He said: "From his own wealth."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ عَبْدَةَ بْنِ أَبِي أَسَمَّةَ، عَنْ أَبِي يَحْيَى، عَنْ ابْنِ عَبَّاسٍ، فِي قَوْلِهِ تَعَالَى: {وَمَنْ كَانَ فَقِيرًا فَلْيُكُنْ بِالْمَعْرُوفِ} [النساء: 6] قَالَ: مِنْ مَالِهِ 6

[21383] Abū Bakr reported: Waki‘ reported from Abū Ja‘far al-Rāzī from Al-Rabī‘ from Abū al-‘Āliyah; and Sufyān from Ḥammād from Sa‘īd ibn Jubayr; and from Sufyān from ‘Āsim from Abū Wā'il; they said: "By loan."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ أَبِي جَعْفَرِ الرَّازِيِّ، عَنِ الرَّبِيعِ، عَنْ أَبِي الْعَالِيَةِ، وَسُقْيَانَ، عَنْ حَمَادٍ، عَنْ سَعِيدِ بْنِ جُبَيرٍ، وَعَنْ سُقْيَانَ، عَنْ عَاصِمٍ، عَنْ أَبِي وَائِلٍ، قَالُوا: بِالْقُرْضِ

[21384] Abū Bakr reported: ‘Abbād ibn al-‘Awwām reported from Huṣayn from Muḥammad ibn Ka‘b who said: A woman came to him and asked him, saying: "My sons and their brothers from their father are orphans under my guardianship. I had wealth which I spent on them until it was gone, and they have wealth. What do you see?" He said: "Put your hand with their hands and eat reasonably."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ حُصَيْنٍ، عَنْ مُحَمَّدِ بْنِ كَعْبٍ، قَالَ: أَتَنْهُ امْرَأَةٌ فَسَأَلَتْهُ، فَقَالَتْ: إِنَّ بَنِي وَإِخْوَةً لَهُمْ مِنْ أَبِيهِمْ وَهُمْ أَيْتَاهُمْ فِي حِجْرِيِّ، وَكَانَ لِي مَالٌ كُنْتُ أُنْفِقُهُ عَلَيْهِمْ حَتَّى ذَهَبَ وَلَهُمْ مَالٌ فَمَا تَرَى؟ قَالَ: ضَعِي يَدَكِ مَعَ أَيْدِيهِمْ، وَكُلِّي بِالْمَعْرُوفِ

[21385] Abū Bakr reported: Ibn ‘Uyaynah reported from ‘Amr from ‘Atā’ and ‘Ikrimah regarding {And whoever is poor, let him consume reasonably} [An-Nisā’: 6]. They said: "He puts his hand upon it (consumes from it)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ عَطَاءٍ، وَعِكْرَمَةَ {وَمَنْ كَانَ فَقِيرًا فَلْيُأْكُلْ بِالْمَعْرُوفِ} قَالَا: يَضْعُفُ يَدَهُ عَلَيْهِ [6]: [النساء]

[21386] Abū Bakr reported: ‘Abdah ibn Sulaymān reported from Hishām ibn ‘Urwah from his father from ‘Ā’ishah regarding His saying: {And whoever is rich, let him abstain, and whoever is poor, let him consume reasonably} [An-Nisā’: 6]. She said: "This was revealed concerning the guardian of the orphan's wealth who manages it and improves it, if he is needy, to eat from it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدَهُ بْنُ سُلَيْمَانَ، عَنْ هِشَامٍ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، فِي قَوْلِهِ: {وَمَنْ كَانَ عَنِّيْا فَلْيَسْتَعْفِفْ وَمَنْ كَانَ فَقِيرًا فَلْيَأْكُلْ بِالْمَعْرُوفِ} قَالَتْ: أُنْزِلَ ذَلِكَ فِي وَالِي مَالِ الْبَيْتِ الَّذِي [6]: [النساء يَقُولُ عَلَيْهِ وَيُصْلِحُهُ إِذَا كَانَ مُحْتَاجًا أَنْ يَأْكُلْ مِنْهُ

[21387] Abū Bakr reported: Marwān ibn Mu‘āwiyah reported from Al-Hasan ibn Yazīd from Al-Sha‘bī who said: A woman sent me to him to ask about orphans under her guardianship whom she cared for; could she eat anything from their wealth? He said: "Yes, reasonably."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ، عَنِ الْحَسَنِ بْنِ بَرِيزَةَ، عَنِ الشَّعْبِيِّ، قَالَ: أَرْسَلْنَا إِلَيْهِ امْرَأً إِلَيْهِ أَسْأَلَهُ عَنْ يَتَامَى فِي حِجْرَهَا قَاتَمْ عَلَيْهِمْ، هَلْ تَأْكُلُ مِنْ أَمْوَالِهِمْ شَيْئًا، قَالَ: نَعَمْ، بِالْمَعْرُوفِ

[21388] Abū Bakr reported: Waki‘ reported from Shu‘bah from Umm Salamah from ‘Ā’ishah who said: "Eat from the orphan's wealth, and know what you are eating."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ أُمِّ سَلَمَةَ، عَنْ عَائِشَةَ، قَالَتْ: كُلِّي مِنْ مَالِ الْبَيْتِ، وَاعْلَمُ مَا تَأْكُلُينَ

[21389] Abū Bakr reported: Waki‘ reported from Hishām al-Dastuwā‘ī from Hishām from Ibrāhīm who said: ‘Ā’ishah said: "I dislike having the orphan's wealth with me until I mix his food with my food and his drink with my drink."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ هِشَامِ الدَّسْنُوَائِيِّ،
عَنْ هِشَامٍ، عَنْ إِبْرَاهِيمَ، قَالَ: قَالَتْ عَائِشَةُ: إِنِّي لَأَكْرَهُ
أَنْ يَكُونَ مَالُ الْيَتَمِّ عِنْدِي حَتَّى أَخْلُطَ طَعَامَهُ بِطَعَامِي
وَشَرَابَهُ بِشَرَابِي

[21390] Abū Bakr reported: Ibn Mahdī reported from Sufyān from Mughīrah al-Azraq from Al-Sha‘bī regarding the guardian of the orphan's wealth: "He eats from the milk/produce, and the price is from the other account."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ
مُغِيرَةَ الْأَزْرَقِ، عَنِ الشَّعْبِيِّ، فِي وَالِيِّ مَالِ الْيَتَمِّ:
يَأْكُلُ مِنَ الرَّسْلِ، وَالثَّمْنُ مِنْ حِسَابِ الْأُخْرِ

[21391] Abū Bakr reported: ‘Abd al-‘A‘lā reported from Hishām from Al-Hasan regarding a man who rented out his slave for a year, then wanted to sell him. He said: "He sells him if he wishes."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، عَنْ
الْحَسَنِ فِي رَجُلٍ آجَرَ عُلَامَةً سَنَةً، ثُمَّ أَرَادَ أَنْ يَبِيعَهُ،
قَالَ: يَبِيعُهُ إِنْ شَاءَ

[21392] Abū Bakr reported: ‘Abd al-Wahhāb al-Thaqafī reported from Khālid from Iyās ibn Mu‘āwiya regarding a slave boy whom a man gives to another man to teach him, then he takes him out before his term expires. He said: "What was spent on him is returned to his teacher."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ التَّقْفِيُّ، عَنْ خَالِدٍ، عَنْ إِيَاسِ بْنِ مُعَاوِيَةَ فِي الْعَلَامِ يَدْفَعُهُ الرَّجُلُ إِلَى الرَّجُلِ يَعْلَمُهُ، ثُمَّ يُخْرِجُهُ قَبْلَ أَنْ يَنْقُضِي شَرْطُهُ قَالَ: يُرَدُّ عَلَى مُعَلِّمِهِ مَا أَنْفَقَ عَلَيْهِ

[21393] Abū Bakr reported: Ghundar reported from Shu‘bah from Al-Ḥakam who said: I asked him about a man who rented out his slave for a year and wanted to take him out. He said: "He has the right to take him." He said: I asked Ḥammād, and he said: "He does not take him except due to harm."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ الْحَكَمِ، قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ آجَرَ غُلَامَةً سَنَةً وَأَرَادَ أَنْ يُخْرِجَهُ، قَالَ: لَهُ أَنْ يَأْخُذَهُ قَالَ: وَسَأَلْتُ حَمَّادًا، فَقَالَ: لَا يَأْخُذُهُ إِلَّا مِنْ مَضَرَّهِ

[21394] Abū Bakr reported: Shabābah reported from Shu‘bah from Al-Ḥasan ibn ‘Ubaydullāh who said: I heard Abū al-Duhā mention that Shurayḥ and Masrūq used to say regarding a man who rents out a slave for a year or a month or similar, then decides to take him back: "That is for him (he can do so)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَبَابَةُ، عَنْ شُعْبَةَ، عَنِ الْحَسَنِ بْنِ عُبَيْدِ اللَّهِ، قَالَ: سَمِعْتُ أَبَا الصَّحْنَى، يَذْكُرُ أَنَّ شُرَيْحًا، وَمَسْرُوقًا كَانَا يَقُولَا نِ: فِي الرَّجُلِ إِذَا آجَرَ الْعَبْدَ سَنَةً أَوْ شَهْرًا أَوْ نَحْوَ ذَلِكَ، ثُمَّ بَدَا لَهُ أَنْ يَأْخُذَهُ مِنْهُ فَذَلِكَ لَهُ

[21395] Abū Bakr reported: Ismā‘īl ibn ‘Ulayyah reported from Ibn Abī Najīḥ who said: A man asked him while I was listening about a man entrusted with wealth who trades with it. He said: ‘Atā’ used to say: "Whatever trouble/profit is in it belongs to the owner of the wealth." And Mujāhid said: "It is neither for the owner of the wealth nor for the trustee; it is for the poor."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عُلَيْهِ، عَنْ ابْنِ أَبِي نَجِيْحٍ، قَالَ: سَأَلَهُ رَجُلٌ وَأَنَا أَسْمَعُ عَنْ رَجُلٍ اسْتُوْدِعَ مَالًا، يَتَجَرُّ فِيهِ؟ فَقَالَ: كَانَ عَطَاءً يَقُولُ: مَا كَانَ فِيهِ مِنْ عَنَاءٍ فَهُوَ لِرَبِّ الْمَالِ. وَقَالَ مُجَاهِدٌ: لَيْسَ لِرَبِّ الْمَالِ وَلَا لِلْمُسْتَوْدِعِ، وَهُوَ لِلْمَسَاكِينِ

[21396] Abū Bakr reported: Hishām reported from Al-Ḥasan who said: "The deposit is not moved except with the permission of its owner. If he does so, he is liable, and the profit is his."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هِشَامٌ، عَنِ الْحَسَنِ، قَالَ: لَا تُحَرِّكُ الْوَدِيعَةَ إِلَّا بِإِذْنِ رَبِّهَا، فَإِنْ فَعَلَ فَهُوَ ضَامِنٌ، وَلَهُ الرِّبْعُ

[21397] Abū Bakr reported: ‘Abdah reported from Ibn Abī ‘Arūbah from Abū Ma’shar from Ibrāhīm regarding the deposit: "There is no liability upon him unless he moves it from its place or changes its condition. If he changes it from its place and there is profit in it, he gives it in charity, and it belongs to neither of them."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدَهُ، عَنْ ابْنِ أَبِي عَرْوَبَةَ،
عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ فِي الْوَدِيعَةِ: لَا ضَمَانٌ
عَلَيْهِ إِلَّا أَنْ يُحَوِّلَهَا مِنْ مَوْضِعِهَا أَوْ يُغَيِّرَهَا عَنْ حَالِهَا،
فَإِنْ هُوَ غَيْرُهَا عَنْ مَوْضِعِهَا، فَكَانَ فِيهِ رِبْحٌ فَإِنَّهُ
يَصَدِّقُ بِهِ، وَلَيْسَ لَوَاحِدٍ مِنْهُمَا

[21398] Abū Bakr reported: Ibn ‘Ulayyah reported from Khālid from Abū Qilābah who said: Ibn ‘Umar was asked about the orphan's wealth. He said: "It is guaranteed until you deliver it to him." He said: "There was some surplus in it." He said: "Do with its surplus what you wish; it is guaranteed until you deliver it to him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ خَالِدٍ، عَنْ أَبِي
قِلَابَةَ، قَالَ: سُئِلَ ابْنُ عُمَرَ عَنْ مَالِ الْيَتَمِّ، فَقَالَ: هُوَ
مَضْمُونٌ حَتَّى تَدْفَعَهُ إِلَيْهِ، قَالَ: إِنَّهُ قَدْ كَانَ فِيهِ فَضْلٌ،
قَالَ: اصْنِعْ بِفَضْلِهِ مَا شِئْتَ، هُوَ مَضْمُونٌ حَتَّى تَدْفَعَهُ
إِلَيْهِ

[21399] Abū Bakr reported: ‘Isā ibn Yūnus reported from Ibn ‘Awn from Ibrāhīm regarding a man who has orphans' wealth and works with it. He said: "He is liable if he works without their permission, and the profit is given in charity."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنْ ابْنِ
عُونَ، عَنْ إِبْرَاهِيمَ، فِي الرَّجُلِ يَكُونُ عِنْدَهُ مَالُ الْأَيْتَامِ
فَيَعْمَلُ بِهِ، قَالَ: هُوَ ضَامِنٌ إِذَا عَمِلَ بِغَيْرِ إِذْنِهِمْ فَالرِّبْحُ
يَصَدِّقُ بِهِ

[21400] Abū Bakr reported: Ibn Idrīs reported from Ḥuṣayn from Muḥammad ibn Zayd who said: I said to Ibn ‘Umar: "Sometimes a man advances a thousand or so to another man and says: 'If you give me wheat, it is for such-and-such, and if you give me barley, it is for such-and-such.'" He said: "He should name a specific price for each type. If he gives you what is agreed, [good], otherwise take back your capital."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ حُصَيْنِ،
عَنْ مُحَمَّدِ بْنِ زَيْدٍ، قَالَ: قُلْتُ لِابْنِ عُمَرَ: رُبَّمَا أَسْأَلُم
الرَّجُلَ إِلَى الرَّجُلِ الْفَأَ وَتَحْوَهَا فَيَقُولُ: إِنْ أَعْطَيْتَنِي
بُرَّا فَبِكَدًا، وَإِنْ أَعْطَيْتَنِي شَعِيرًا فَبِكَدًا، قَالَ: يُسَمِّي فِي
كُلِّ نَوْعٍ مِنْهَا وَرِقَ مُسَمَّاهُ، فَإِنْ أَعْطَاكَ الَّذِي فِيهِ، وَإِلَّا
فَخُذْ رَأْسَ مَالِكٍ

[21401] Abū Bakr reported: Wakī‘ reported from Aslam al-Munqarī from Sa‘īd ibn Jubayr regarding a man who makes a Salam transaction and says: "Whatever wheat I have with you is for such-and-such, or whatever grains I had is for such-and-such." He disliked it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ أَسْلَمَ الْمُنْقَرِيِّ،
عَنْ سَعِيدِ بْنِ جُبَيْرٍ، "فِي الرَّجُلِ يُسْلِمُ فَيَقُولُ: مَا لِي
عِنْدَكَ عَنْ حِنْطَةٍ فَبِكَدًا، أَوْ كَانَ عِنْدِي مِنْ حُبُوبٍ
فَبِكَدًا، أَنَّهُ كَرِهٌ"

[21402] Abū Bakr reported: Ibn Abī Zā’idah reported from his father who said: ‘Āmir was asked about Salam in wheat and barley, whichever is easier for him he gives. He said: "It is not proper."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ أَبِيهِ،
قَالَ: سُئِلَ عَامِرٌ عَنِ السَّلَامِ فِي الْحِنْطَةِ وَالشَّعِيرِ أَيُّهُما
اسْتَيْسِرٌ عَلَيْهِ أَعْطَاهُ، قَالَ: لَا يَصْلُحُ

[21403] Abū Bakr reported: Ibn Abī Zā'īdah reported from 'Abd al-Malik from 'Atā' regarding a man who makes a Salam transaction for a known item until a known term, and if he does not deliver it, then such-and-such for another known item. He said: "It is not proper."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ، "فِي رَجُلٍ أَسْلَمَ فِي شَيْءٍ مَعْلُومٍ إِلَى أَجَلٍ مَعْلُومٍ، فَإِنْ لَمْ يَدْفَعْهُ فَكَذَا وَكَذَا لِشَيْءٍ آخَرَ مَعْلُومٍ قَالَ: لَا يَصْلُحُ

[21404] Abū Bakr reported: Ibn Abī 'Adī reported from Ash'ath from Al-Ḥasan regarding a man who advances money and says: "If it is wheat, then for such-and-such, and if it is barley, then for such-and-such." He disliked it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ: "فِي الرَّجُلِ يُسْلِفُ فَيَقُولُ: إِنْ كَانَ بُرًّا فَبِكَذَا، وَإِنْ كَانَ شَعِيرًا فَبِكَذَا، أَنَّهُ كَرِهُهُ"

[21405] Abū Bakr reported: Wakī' reported from Aslam from 'Alqamah ibn Marthad from Razīn ibn Sulaymān from Sa'īd ibn al-Musayyib who said: "There is no harm in Salam in clothes, a known measurement until a known term."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِبِيعُ، عَنْ أَسْلَمَ، عَنْ عَلْقَمَةَ بْنِ مَرْئِدٍ، عَنْ رَزِيبِ بْنِ سُلَيْمَانَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: لَا بَأْسَ فِي السَّلَمِ فِي الثِّيَابِ، دَرْعٌ مَعْلُومٌ إِلَى أَجَلٍ مَعْلُومٍ

[21406] Abū Bakr reported: Ibn Mubārak reported from Ibrāhīm ibn Nashīṭ who said: I asked Bukayr ibn ‘Abdullāh ibn al-Ashajj about Salam in clothes. He said: "It is not valid unless the patch (type/quality) is known and such-and-such is known."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ إِبْرَاهِيمَ بْنِ نَشِيْطٍ، قَالَ: سَأَلْتُ بُكَيْرَ بْنَ عَبْدِ اللَّهِ بْنِ الْأَشْجَجَ، عَنْ السَّلَمِ فِي الْأَيَّابِ قَالَ: لَا يَصِحُّ إِلَّا مَعْلُومُ الرُّقْعَةِ مَعْلُومٌ كَذَّا

[21407] Abū Bakr reported: Ibn Abī Zā’idah and Wakī‘ reported from Zakariyyā who said: ‘Āmir was asked about Salam in cotton garments (Karābīs). He said: "I used

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، وَوَكِيعٌ، عَنْ زَكَرِيَا، قَالَ: سُئِلَ عَامِرٌ عَنِ السَّلَمِ فِي الْكَرَابِيسِ فَقَالَ: قَدْ كُنْتُ أَفْعَلُهُ

[21408] Abū Bakr reported: Ibn Abī Zā’idah reported from Ibn Sālim from ‘Āmir who said: "If one makes Salam in a garment whose measurement and type are known, there is no harm."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنِ ابْنِ سَالِمٍ، عَنْ عَامِرٍ، قَالَ: إِذَا أَسْلَمَ فِي ثَوْبٍ يُعْرَفُ ذَرْعُهُ وَرَقْعُهُ، فَلَا بَأْسَ

[21409] Abū Bakr reported: Sharīk reported from Jābir and ‘Atā’ who both said: "There is no harm in Salam in wool and garments."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ جَابِرٍ، وَعَطَاءٍ، قَالَا: لَا بَأْسَ فِي السَّلَمِ فِي الصُّوفِ وَالْأَكْسِيَةِ

[21410] Abū Bakr reported: Hushaym reported from Yahyā ibn Sa‘īd from Al-Qāsim from Ibn ‘Abbās that he was asked about Salam in cotton garments. He said: "There is no harm if it is for a known measurement until a known term."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنِ الْفَاسِيمِ، عَنْ ابْنِ عَبَّاسٍ، أَنَّهُ سُئِلَ عَنِ السَّلَامِ فِي الْأَكْرَابِيسِ، فَقَالَ: لَا بَأْسَ إِذَا كَانَ فِي ذَرْعٍ مَعْلُومٍ إِلَى أَجْلٍ مَعْلُومٍ

[21411] Abū Bakr reported: Ibn Abī Zā’idah reported from Sa‘īd from Abū Ma’shar from Ibrāhīm who said: Ibn Mas‘ūd used to see no harm in Salam for everything until a known term, except for animals.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ سَعِيدٍ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، قَالَ: كَانَ ابْنُ مَسْعُودٍ لَا يَرَى بِالسَّلَامِ فِي كُلِّ شَيْءٍ بَأْسًا إِلَى أَجْلٍ مَعْلُومٍ مَا خَلَّ الْحَيَّانَ

[21412] Abū Bakr reported: Wakī‘ reported from Ḥanzalah from Al-Qāsim ibn Muḥammad who said: Ibn ‘Abbās was asked about a man who made Salam for linen cloths (Sabā’ib); can they be unfolded before they are fully received? He said: "No."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِبِيعٌ، عَنْ حَنْظَلَةَ، عَنِ الْفَاسِيمِ بْنِ مُحَمَّدٍ، قَالَ: سُئِلَ ابْنُ عَبَّاسٍ عَنْ رَجُلٍ أَسْلَمَ فِي سَبَابِبَ، أَتَتْشُرُ قَبْلَ أَنْ يُسْتَوْقَنَّ، قَالَ: لَا

[21413] Abū Bakr reported: ‘Abbād ibn al-‘Awwām reported from Hajjāj from Huṣayn from Al-Sha‘bī from Al-Hārith from ‘Alī who said: "If two installments follow successively on the Mukātab and he enters the year without paying his installments, he is returned to slavery."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ حَجَاجِ
عَنْ حُصَيْنِ، عَنِ الشَّعْبِيِّ، عَنِ الْحَارِثِ، عَنْ عَلَيِّ،
قَالَ: إِذَا تَتَابَعَ عَلَى الْمُكَاتَبِ نَجْمَانٌ فَدَخَلَ فِي السَّنَةِ،
فَلَمْ يُؤَدِّ تُجُومَهُ، رُدَّ فِي الرِّقَّ

[21414] Abū Bakr reported: Abū Bakr ibn ‘Ayyāsh reported from Mughīrah from Ibrāhīm who said: "If the Mukātab says, 'I am unable,' he is returned as a slave."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو بَكْرٌ بْنُ عَيَّاشٍ، عَنْ
مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا قَالَ الْمُكَاتَبُ قَدْ عَجَزْتُ،
رُدَّ رَقِيقًا

[21415] Abū Bakr reported: Wakī‘ and Ibn Abī Zā’idah reported from Abān ibn ‘Abdullāh al-Bajalī from ‘Atā that Ibn ‘Umar contracted Mukātabah with a slave of his for a thousand dinars. He paid it except for a hundred, so he returned him to slavery.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، وَابْنُ أَبِي زَائِدَةَ، عَنْ
أَبَانَ بْنِ عَبْدِ اللَّهِ الْبَجْلِيِّ، عَنْ عَطَاءٍ، أَنَّ ابْنَ عُمَرَ:
كَاتِبٌ غُلَامًا لَهُ عَلَى الْفِدِينَارِ، فَلَدَّاهَا إِلَّا مِائَةً، فَرَدَّهُ
فِي الرِّقَّ

[21416] Abū Bakr reported: Jarīr reported from Mughīrah from Al-Ḥārith al-‘Uklī who said: "If he enters an installment (period) and his inability becomes apparent, he is returned."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنِ الْحَارِثِ الْعُكْلِيِّ، قَالَ: إِذَا دَخَلَ فِي نَجْمٍ، وَقَدْ اسْتَبَانَ عَجْزُهُ رُدًّا

[21417] Abū Bakr reported: Ibn Numayr reported from Ḥajjāj from Al-Ḥakam from Ibrāhīm from Shurayḥ that he used to return the Mukātab if he was unable, and would not grant him delay.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ حَاجَاجَ، عَنِ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، عَنْ شُرَيْحٍ، أَنَّهُ كَانَ يَرُدُّ الْمُكَاتِبَ إِذَا عَجَزَ، وَلَا يَسْتَأْنِي بِهِ

[21418] Abū Bakr reported: Ibn Abī Zā’idah reported from Ḥajjāj from ‘Amr ibn Shu‘ayb from his father from his grandfather from the Prophet ﷺ who said: "If one contracts Mukātabah with his slave for a hundred ounces, and he pays it up to ten ounces, then becomes unable, he is returned to slavery."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ حَاجَاجَ، عَنْ عَمْرُو بْنِ شَعْبَيْنِ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: إِذَا كَاتَبَ غُلَامٌ عَلَى مِائَةٍ أُوْقِيَّةٍ، فَادَّاهَا إِلَى عَشْرِ أَوْاقٍ، ثُمَّ عَجَزَ رُدًّا فِي الرِّقَّ

[21419] Abū Bakr reported: Muḥammad ibn Zayd reported from Abū al-‘Alā’ from Al-Ḥakam who said: "He is not returned until he is unable for years."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ زَيْدٍ، عَنْ أَبِي الْعَلَاءِ، عَنِ الْحَكَمِ، قَالَ: لَا يَرُدُّ حَتَّى يَعْجِزَ عَنْ سِنِينَ

[21420] Abū Bakr reported: Ibn ‘Uyaynah reported from ‘Amr from Ṭāwūs who said: "If you know the measure of something, do not sell it by estimation (Juzāf)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ طَاؤْسٍ، قَالَ: إِذَا عَلِمْتَ مَكِيلَةَ شَيْءٍ فَلَا تَبْعِهِ جُزَافًا

[21421] Abū Bakr reported: Mu‘tamir ibn Sulaymān said: I said to my father: "A man says: 'I measured in this trough so-and-so many Manns, but I don't know, perhaps it decreased or was stolen, or the trough is similar (to another), or there was a mistake in it. I won't sell it to you by measure, but by estimation.' He said: Ibn Sīrīn used to dislike it, and Al-Ḥasan saw no harm in it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، قَالَ: قُلْتُ لِأَبِيهِ: الرَّجُلُ يَقُولُ: قَدْ كِلْتُ فِي هَذِهِ الْجَابِيَّةِ كَذَا وَكَذَا مَنَا، وَلَا أَدْرِي لَعَلَّهُ يَنْقُصُ أَوْ يَسْرُقُ أَوْ تُشْبِهُ الْجَابِيَّةُ، أَوْ كَانَ فِيهِ غَلْطٌ، لَا أَبِيعُ كَيْلًا، إِنَّمَا أَبِيعُكَ جُزَافًا قَالَ: كَانَ ابْنُ سِيرِينَ يَكْرَهُهُ، وَكَانَ الْحَسَنُ لَا يَرَى بِهِ بَأْسًا

[21422] Abū Bakr reported: Jarīr reported from Mughīrah who said: I asked Ibrāhīm about a man who measured by estimation, and said to him: "Whatever wheat was in your house is for such-and-such, and whatever barley is for such-and-such." He said: Ibrāhīm disliked it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، قَالَ: سَأَلْتُ إِبْرَاهِيمَ عَنْ رَجُلٍ كَانَ جُزَافًا، فَقَالَ لَهُ: مَا فِي بَيْتِكَ كَانَ مِنْ حِنْطَةٍ فِي كَيْلًا، وَمَا كَانَ مِنْ شَعِيرٍ فِي كَيْلًا وَكَذَا، قَالَ: فَكَرِهَهُ إِبْرَاهِيمُ

[21423] Abū Bakr reported: Waki‘ reported from Fiṭr that he asked Al-Sha‘bī about a group of Bedouins who come to us with food, and we buy from them by measure, then we say: "Sell to us by estimation." He said: "No, until you mutually cancel the sale."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ فِطْرٍ، أَنَّهُ سَأَلَ الشَّعْبِيَّ عَنْ قَوْمٍ مِنَ الْأَعْرَابِ يَقْدُمُونَ عَلَيْنَا بِالطَّعَامِ، فَنَسْتَرِي مِنْهُمْ كَيْلًا ثُمَّ نَفُولُ: بِيُعْوَنَا جُزَافًا، قَالَ: لَا، حَتَّى تُتَارَكُوا بِالْبَيْنِ

[21424] Abū Bakr reported: Waki‘ reported from Sufyān from Ibn Jurayj from ‘Aṭā’ that he saw no harm in selling it by estimation if he informed him that he knows its measure.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، أَنَّهُ لَمْ يَكُنْ يَرَى بَاسًا أَنْ يَبِيعَهُ جُزَافًا، إِذَا أَعْلَمَهُ أَنَّهُ يَعْلَمُ كَيْلَهُ

[21425] Abū Bakr reported: Rawwād ibn Jarrāḥ Abū ‘Ishām al-‘Asqalānī reported from Al-Awzā‘ī from Yaḥyā ibn Abī Kathīr who said: I asked Al-Ḥasan, Muṣṭafā, and ‘Ikrimah about a man who comes to another man and buys food in his house by estimation, while the owner of the food knows its measure. They all disliked it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا رَوَادُ بْنُ جَرَاحٍ أَبُو عِصَامٍ الْعَسْقَلَانِيُّ، عَنِ الْأُوزَاعِيِّ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، قَالَ: سَأَلْتُ الْحَسَنَ وَمُجَاهِدًا وَعَكْرَمَةَ عَنْ رَجُلٍ يَأْتِي الرَّجُلَ، فَابْتَاعَ فِي بَيْتِهِ طَعَامًا فِيهِ مُجَازَفَةً، وَرَبُّ الطَّعَامِ قَدْ عَلِمَ كَيْلَهُ، فَكَرِهُ كُلُّهُمْ

[21426] Abū Bakr reported: Waki‘ reported from Al-Rabī‘ ibn Nāfi‘ who said: We saw amongst us Companions of the Messenger of Allah ﷺ when loads were brought and dumped at the prayer place. A man would say: "I measured such-and-such, and I will not sell it by measure, but I will sell it by estimation." They saw no harm in it.

[21427] Abū Bakr reported: ‘Alī ibn Mushir reported from ‘Ubaydullāh from Nāfi‘ from Ibn ‘Umar who said: We used to meet the riders and buy food from them by estimation. The Messenger of Allah ﷺ forbade us to sell it until we moved it from its place or transported it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنِ الرَّبِيعِ بْنِ نَافِعٍ،
قَالَ: لَقَدْ رَأَيْنَا وَفِينَا أَصْحَابُ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يُجَاءُ بِالْأُوسَاقِ فَتُلْقَى بِالْمُصَلَّى، فَيَقُولُ
الرَّجُلُ: كِلْتُ كَذَا وَكَذَا، وَلَا أَبِيعُ مُكَایِلَةً، إِنَّمَا أَبِيعُ
مُجَازَّةً، فَلَمْ يَرَوْا بِهِ بَأْسًا

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ عُبَيْدِ
اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، قَالَ: كُنَّا نَلْقَى
بِالرُّكْبَانِ، فَنَشَرِي مِنْهُمُ الطَّعَامَ مُجَازَّةً، فَنَهَى رَسُولُ
اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ تَبِيعَ حَتَّى تُحَوِّلَهُ مِنْ
مَكَانِهِ أَوْ تَنْقِلَهُ

[21428] Abū Bakr reported: Ḥafṣ reported from Al-Shaybānī, Ash‘ath, and Ismā‘il from Al-Sha‘bī from Shurayḥ regarding a Mukātab who died owing a debt and remaining payments of his Mukātabah. He said: "His masters claim a share equal to the installments that have become due." Ḥammād said: "They claim a share for what is due and what is not due."

[21429] Abū Bakr reported: Ḥafṣ reported from Sa‘īd from Qatādah from Sa‘īd ibn al-Musayyib who said: Shurayḥ erred, even though he was a judge. Zayd ibn Thābit used to say: "Debt before Mukātabah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنِ الشَّيْبَانِيِّ، وَأَشْعَثَ، وَإِسْمَاعِيلَ، عَنِ الشَّعْبِيِّ، عَنْ شُرَيْحٍ، فِي مُكَاتَبٍ مَاتَ وَعَلَيْهِ دِيْنٌ وَبَقِيَّةٌ مِنْ مُكَاتَبَتِهِ، قَالَ: يَضْرُبُ مَوَالِيهِ بِمَا حَلَّ مِنْ نُجُومِهِ. وَقَالَ حَمَادٌ: يَضْرُبُونَ بِمَا حَلَّ مَا لَمْ يَحْلُّ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، قَالَ: أَخْطَأَ شُرَيْحٌ وَإِنْ كَانَ قَاضِيًّا، كَانَ زَيْدُ بْنُ ثَابِتٍ يَقُولُ: بِالَّذِينَ قَبْلَ الْمُكَاتَبَةِ

[21430] Abū Bakr reported: Jarīr reported from Mānsūr from Ibrāhīm who said: "If the Mukātab dies owing a debt, his masters claim a share with the creditors for the installments that have become due. If no installment is due, the creditors are started with and they take their debt. If anything remains, it is for his masters until his Mukātabah is completed. If anything remains after his Mukātabah, it is for his heirs."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ قَالَ: إِذَا مَاتَ الْمُكَاتَبُ وَعَلَيْهِ دَيْنٌ يَضْرِبُ مَوَالِيهِ بِمَا حَلَّ مِنْ نُجُومِهِ مَعَ الْغُرَمَاءِ، وَإِنْ لَمْ يَكُنْ لَهُ نَجْمٌ حَالٌ بُدِئَ بِالْغُرَمَاءِ فَأَخْذُوا دَيْنَهُمْ، فَإِنْ فَضَلَ شَيْءٌ كَانَ لِمَوَالِيهِ حَتَّى تَمَّ مُكَاتَبَتُهُ، فَإِنْ فَضَلَ شَيْءٌ بَعْدَ مُكَاتَبَتِهِ كَانَ لِوَرَثَتِهِ

[21431] Abū Bakr reported: Waki‘ reported from Sufyān from Mānsūr from Ibrāhīm who said: "His master claims a share with the creditors for the installments that have become due."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: يَضْرِبُ مَوْلَاهُ مَعَ الْغُرَمَاءِ بِمَا حَلَّ مِنْ نُجُومِهِ

[21432] Abū Bakr reported: Ghundar reported from Shu‘bah from Al-Hakam from Shurayh who said: "It begins with the debt."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ الْحَكَمِ، عَنْ شُرَيْحٍ، قَالَ: يُبْدِأُ بِالْدَيْنِ

[21433] Abū Bakr reported: Ibn Fuḍayl reported from Ash‘ath from Al-Sha‘bī and Al-Ḥakam regarding a man who has debt and remaining payments of his Mukātabah. He said: "It is looked at what installments have become due and what is owed to his creditors, and that is divided proportionally."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ أَشْعَثَ، عَنِ الشَّعْبِيِّ، وَالْحَكَمِ، أَنَّهُمَا قَالَا: إِذَا كَانَ عَلَى الرَّجُلِ الدِّينُ وَبَقِيَّةً مِنْ مُكَاتَبَتِهِ، قَالَ: يُنْظَرُ إِلَى مَا حَلَّ عَلَيْهِ مِنْ نُجُومِهِ، وَمَا كَانَ لِغُرَمَائِهِ، فَيُقَسَّمُ ذَلِكَ بِالْحِصْصِ

[21434] Abū Bakr reported: Wakī‘ reported from Ḥasan ibn Ṣalīḥ, Sufyān, and Ibn Abī Laylā that they used to say: "If he dies owing debt, what he owes becomes due, so the master claims a share with the creditors for the entire Mukātabah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ حَسَنِ بْنِ صَالِحٍ، وَسُفْيَانَ، وَابْنِ أَبِي لَيْلَى كَانُوا يَقُولُونَ: إِذَا مَاتَ وَعَلَيْهِ دَيْنٌ حَلَّ مَا عَلَيْهِ، فَيَضْرِبُ الْمَوْلَى مَعَ الْغُرَمَاءِ بِجَمِيعِ الْمُكَاتَبَةِ

[21435] Abū Bakr reported: Ibn Idrīs reported from Shu‘bah from Qatādah from Sa‘īd ibn al-Musayyib who said: Shurayḥ erred, even though he was a judge. He said: "Zayd ibn Thābit used to begin with the debt."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ شُعْبَةَ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، قَالَ: أَخْطَأَ شُرَيْحٌ وَإِنْ كَانَ فَاضِيَاً، قَالَ: كَانَ زَيْدُ بْنُ ثَابِتٍ يَبْدُأُ بِالْدِينِ

[21436] Abū Bakr ibn Abī Shaybah reported: ‘Abdullāh ibn Idrīs reported from Sa‘īd from Qatādah from Sa‘īd ibn al-Musayyib from Zayd ibn Thābit who said: "It begins with the debt."

حَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، عَنْ زَيْدِ بْنِ ثَابِتٍ، قَالَ: يُؤْدَأُ بِالدِّينِ

[21437] Abū Bakr reported: Abū Usāmah reported from Hishām ibn ‘Urwah who said: My father informed me that people from Banū Fahm disputed with people from Banū Sulaym regarding a mine of theirs before Marwān. Marwān ordered Ibn al-Zubayr to judge between them. The witnesses were equal, so ‘Abdullāh cast lots between them and assigned it to the one whom the lot favored because the witnesses were equal.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامَ بْنِ عُرْوَةَ، قَالَ: أَخْبَرَنِي أَبِي، أَنَّ نَاسًا مِنْ بَنِي فَهْمٍ حَاصَمُوا نَاسًا مِنْ بَنِي سُلَيْمٍ فِي مَعْدِنٍ لَهُمْ إِلَى مَرْوَانَ، فَأَمَرَ مَرْوَانَ ابْنَ الرَّبِّيرِ أَنْ يَقْضِي بَيْنَهُمْ، فَاسْتَوَتِ الشُّهُودُ فَأَفْرَغَ بَيْنَهُمْ عَبْدَ اللَّهِ، فَجَعَلَهُ لِمَنْ أَصَابَتْهُ الْفُرْعَةُ مِنْ أَجْلِ أَنَّ الشُّهُودَ اسْتَوَتْ

[21438] Abū Bakr reported: Abū Khālid al-Āḥmar and Ibn Abī Zā’idah reported from Ḥajjāj from Ḥammād from Ibrāhīm who said: "If the two proofs are equal, it belongs to the one who possesses it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدِ الْأَحْمَرِ، وَابْنُ أَبِي زَائِدَةَ، عَنْ حَاجِ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا اسْتَوَتِ الْبَيْنَتَانِ فَهُوَ لِلَّذِي فِي أَيْدِيهِمْ

[21439] Abū Bakr reported: Ma'n ibn 'Isā reported from Ibñ Abī Dhi'b from Al-Zuhri that he said regarding people whose testimonies differ but are equal in integrity and number: "The oath is upon the defendant."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مَعْنُ بْنُ عِيسَى، عَنْ ابْنِ أَبِي ذِئْبٍ، عَنْ الرُّهْبَرِيِّ، أَنَّهُ قَالَ: فِي الْقَوْمِ إِذَا اخْتَلَفَ شَهَادَتُهُمْ وَاسْتَوْدُوا فِي التَّعْدِيلِ وَالْعَدْدِ فَالْيَمِينُ عَلَى مَنْ ادَّعَى عَلَيْهِ

[21440] Abū Bakr reported: Abū al-Aḥwāṣ reported from Simāk from 'Ikrimah who said: The Messenger of Allah ﷺ said: "Do not intercept [riders/goods before market], do not retain milk in udders [to deceive], and do not bid up prices against one another."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ سِمَاكٍ، عَنْ عَكْرِمَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا تُسْتَقْلُوا، وَلَا تُحَفَّلُوا، وَلَا يُنْفَقْ بَعْضُكُمْ لِبَعْضٍ

[21441] Abu Bakr said: Ibn Mubarak told us from Abu Ja'far al-Razi, from Layth, from Mujahid, from Ibn 'Umar: "Do not meet the merchandise at the entrances of the roads."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ أَبِي جَعْفَرِ الرَّازِيِّ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ، عَنْ ابْنِ عُمَرَ: أَنْ لَا تَلْقُوا الْبَيْوَعَ بِأَفْوَاهِ السَّكَكِ

[21442] Abu Bakr said: Abu Dawud al-Tayalisi told us from Iyas ibn Daghfal, who said: The letter of 'Umar ibn 'Abd al-'Aziz was read to us: "Do not meet the riders."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو دَاؤُدَ الطَّيَالِسِيُّ، عَنْ إِيَّاسِ بْنِ دَغْفَلٍ، قَالَ: قُرِئَ عَلَيْنَا كِتَابُ عُمَرَ بْنِ عَبْدِ الْغَزِيزِ: لَا تَلْقُوا الرُّكْبَانَ

[21443] Abu Bakr said: Muhammad ibn Abi 'Adi told us from Ibn 'Awn, from Muhammad, who said: "He forbade meeting the imported goods. If a man meets [them] and buys, then its owner has the option [to annul] when he reaches the market."

[21444] Abu Bakr said: Ibn Mubarak told us from Al-Taymi, from Abu 'Uthman al-Nahdi, from Ibn Mas'ud, from the Prophet (saw): "That he forbade meeting the merchandise."

[21445] Abu Bakr said: Ibn Abi Zaidah told us from Muhammad ibn 'Amr, from Abu Salamah, from Abu Hurayrah, who said: The Messenger of Allah (saw) said: "Do not meet the riders for sale."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنْ ابْنِ عَوْنِ، عَنْ مُحَمَّدٍ، قَالَ: نَهَى عَنْ تَلْقَيِ الْجَلْبِ، فَإِنْ تَلْقَى رَجُلٌ، فَاسْتَرِأْهُ فَصَاحِبُهُ بِالْخِيَارِ إِذَا قَدِمَ الْمِصْرَ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنِ التَّئِيمِيِّ، عَنْ أَبِي عُثْمَانَ النَّهْدِيِّ، عَنْ ابْنِ مَسْعُودٍ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ نَهَى عَنْ تَلْقَيِ الْبَيْوَعِ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ مُحَمَّدِ بْنِ عَمْرِو، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا تَلْقُوا الرُّكْبَانَ لِلْبَيْعِ

[21446] Abu Bakr said: 'Ubayd Allah told us from Al-Rabi' ibn Habib, from Nawfal ibn 'Abd al-Malik, from his father, from 'Ali: "That the Prophet (saw) forbade meeting [merchandise before it reaches the market]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عُبَيْدُ اللَّهِ، عَنِ الرَّبِيعِ بْنِ حَبِيبٍ، عَنْ نَوْفَلِ بْنِ عَبْدِ الْمَالِكِ، عَنْ أَبِيهِ، عَنْ عَلِيٍّ: عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ نَهَىٰ عَنِ التَّلَقِ

[21447] Abu Bakr said: Jarir told us from Layth, from Mujahid, from Ibn 'Umar and Abu Hurayrah, who said: "The Messenger of Allah (saw) forbade meeting the merchandise at the entrances of the roads."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ، عَنْ أَبِينِ عُمَرَ، وَأَبِي هُرَيْرَةَ، قَالَا: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ تُلْقَى الْتِبْيُغُ مِنْ أَفْوَاهِ الْطُّرُقِ

[21448] Abu Bakr said: Jarir told us from Mughirah, from Ibrahim, who said: "There is no liability on the lessee, the borrower, and the depositary unless he contravenes [the agreement]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: لَيْسَ عَلَى الْمُسْتَكْرِيِّ، وَالْمُسْتَعِيرِ، وَالْمُسْتَوْدَعِ ضَمَانٌ إِلَّا أَنْ يُخَالِفَ

[21449] Abu Bakr said: Hushaym told us from Isma'il ibn Salim, who said: I heard Al-Sha'bi say: "If the depositary, the borrower, or the one given goods to sell contravenes [the agreement], he is liable."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ إِسْمَاعِيلَ بْنِ سَالِمٍ، قَالَ: سَمِعْتُ الشَّعْبِيَّ، يَقُولُ: إِذَا خَالَفَ الْمُسْتَوْدَعُ، وَالْمُسْتَعِيرُ، وَالْمُسْتَبْضَعُ فَهُوَ ضَامِنٌ

[21450] Abu Bakr said: Jarir told us from Mughirah, from Ibrahim, who said: "If you forbid your Mudarib (speculator) from buying such and such goods, and he buys [them], he is liable." And Hammad said: "They give the profit in charity."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا نَهَيْتَ مُضَارِبَكَ أَنْ يَشْتَرِي مِنْ مَتَاعِكَادًا وَكَدًا، فَإِشْتَرَى ضَمِينَ وَقَالَ حَمَادٌ: يَتَصَدَّقُانِ بِالرِّبْحِ

[21451] Abu Bakr said: Mu'tamir ibn Sulayman told us from Layth, from Tawus, who said: "The Mudarib is trusted, even if he opposes your command."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ لَيْثٍ، عَنْ طَاؤِسٍ، قَالَ: الْمُضَارِبُ مُؤْتَمِنٌ، وَإِنْ خَالَفَ أَمْرَكَ

[21452] Abu Bakr said: Ibn Idris told us from Al-Shaybani, from Al-Sha'bi, that 'Umar held Anas liable for four thousand that were with him as Mudarabah.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبَانِيِّ، أَنَّ عُمَرَ ضَمَّنَ أَنَسًا أَرْبَعَةَ آلَافَ كَانَتْ مَعَهُ مُضَارَبَةً

[21453] Abu Bakr said: Mu'tamir told us from Humayd, from Al-Hasan, who said: "The Mudarib is trusted, even if he contravenes."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعْتَمِرٌ، عَنْ حُمَيْدٍ، عَنِ الْحَسَنِ، قَالَ: الْمُضَارِبُ مُؤْتَمِنٌ، وَإِنْ خَالَفَ

[21454] Abu Bakr said: Ibn Idris told us from Hisham, from Anas ibn Sirin, from Anas ibn Malik, who said: "I was entrusted with six thousand, and it was lost. 'Umar said to me: 'Did anything of yours get lost with it?' I said: No. He said: So he held me liable."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنْ أَنَّسِ بْنِ سِيرِينَ، عَنْ أَنَّسِ بْنِ مَالِكٍ، قَالَ: "اسْتُوْدِعْتُ سِنَةً أَلَّا فِي فَدَاهَبْتُ، فَقَالَ لِي عُمَرُ: "ذَهَبَ لَكَ مَعَهَا شَيْءٌ؟ قُلْتُ: لَا، قَالَ: فَضَمَّنَنِي

[21455] Abu Bakr said: Waki' told us from Hammad ibn Salamah, from Abu al-Muhazzam, from Abu Hurayrah, who said: "If the owner of the capital stipulates to the Mudarib not to descend into a valley, and he descends, then he is liable."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ أَبِي الْمُهَزَّمَ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: "إِذَا شَرَطَ رَبُّ الْمَالِ عَلَى الْمُضَارِبِ: لَا يَنْزُلُ بَطْنَ وَادِ، فَنَزَلَ فَهُوَ ضَامِنٌ

[21456] Abu Bakr said: Waki' told us from Shu'bah, from Qatadah, from 'Abd Allah ibn al-Harith, from 'Ali, who said: "Whoever shares the profit is not liable."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ قَتَادَةَ، عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ، عَنْ عَلِيٍّ، قَالَ: مَنْ قَاتَدَ الرِّبْحَ فَلَا ضَمَانَ عَلَيْهِ

[21457] Abu Bakr said: Hushaym told us from Mansur, from Al-Hasan, regarding a Mudarib who gave the money to someone else. He said: "He is not liable; he is trustworthy."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ مَنْصُورٍ، عَنِ الْحَسَنِ فِي مُضَارِبٍ دَفَعَ الْمَالَ إِلَى غَيْرِهِ، قَالَ: لَا ضَمَانٌ عَلَيْهِ، هُوَ أَمِينٌ

[21458] Abu Bakr said: 'Abbad ibn al-'Awwam told us from Hajjaj, from 'Uthman the nephew of Shurayh, that he said: "If he contravenes regarding the deposit or the rental, he is liable."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ حَجَاجِ،
عَنْ عُثْمَانَ ابْنِ أَخِي شَرِيفٍ، أَنَّهُ قَالَ: إِذَا خَالَفَ فِي
الْوَدِيعَةِ وَالْكِرِيْ فَهُوَ ضَامِنٌ

[21459] Abu Bakr said: Ibn Abi Za'idah told us from Dawud, from Al-Sha'bi regarding a Mudarib whom the owner of the capital told: Do not cross such and such place. He said: "He is liable if he crosses it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ دَاؤِدَ،
عَنِ الشَّعْبِيِّ فِي مُضَارِبٍ قَالَ لَهُ صَاحِبُ الْمَالِ: لَا
تُجَاوزْ مَكَانَ كَذَا وَكَذَا، قَالَ: ضَمِنْ إِنْ جَاوَزَهُ

[21460] Abu Bakr said: 'Ali ibn Mushir told us from Dawud, from Al-Sha'bi, similar to it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ دَاؤِدَ،
عَنِ الشَّعْبِيِّ، بِنْخُوهِ

[21461] Abu Bakr said: Ibn Abi Za'idah told us from Ash'ath, from Ibn Sirin, who said: "Do not impose conditions on the Mudarib, for I fear he may contravene and spoil it for you and himself."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ أَشْعَثَ،
عَنْ ابْنِ سِيرِينَ، قَالَ: لَا تَشْرِطْ عَلَى الْمُضَارِبِ شَيْئًا،
فَإِنِّي أَخَافُ أَنْ يُخَالِفَ فَيُفْسِدَ عَلَيْكَ وَعَلَى نَفْسِهِ

[21462] Abu Bakr said: 'Abd al-A'la told us from Ma'mar, from Al-Zuhri, that he was asked about a man who gave his money to him as Mudarabah and said: Do not leave the city, but he left. He said: "There is no liability on him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمِرٍ، عَنْ الرَّهْرِيِّ، أَنَّهُ سُئِلَ عَنْ رَجُلٍ نَفَعَ إِلَيْهِ مَالُهُ مُضَارَّبَةً، وَقَالَ: لَا تَخْرُجْ مِنَ الْمِصْرِ، فَخَرَجَ، قَالَ: لَا ضَمَانَ عَلَيْهِ

[21463] Abu Bakr said: 'Abd al-Wahhab al-Thaqafi told us from Khalid, from Abu Qilabah, regarding the Mudarib: If they stipulate that he should not cross [a limit], and he crosses, then he is liable.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ التَّقْفِيُّ، عَنْ خَالِدٍ، عَنْ أَبِي قِلَابَةَ، فِي الْمُضَارِّبِ إِذَا اشْتَرَطُوا عَلَيْهِ لَا يُجَاوزَ، فَجَاءُوا، فَهُوَ ضَامِنٌ

[21464] Abu Bakr said: 'Abd al-Wahhab told us from Ayyub, from Iyas ibn Mu'awiyah, who said: "He is liable."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ، عَنْ أَيُوبَ، عَنْ إِيَاسِ بْنِ مُعَاوِيَةَ، قَالَ: هُوَ ضَامِنٌ

[21465] Abu Bakr said: Ibn Abi Za'idah told us from 'Abd al-Malik ibn Abi Sulayman, from 'Ata', who said: "If he forbade him from going out, and he went out, then he is liable."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ عَبْدِ الْمَلِكِ بْنِ أَبِي سُلَيْمَانَ، عَنْ عَطَاءٍ، قَالَ: إِنْ نَهَاهُ أَنْ يَخْرُجَ، فَخَرَجَ فَهُوَ ضَامِنٌ

[21466] Abu Bakr said: Hushaym told us from Husayn and Mughirah, from Ibrahim, who said: "If the depositary, the borrower, or the one given goods to sell contravenes [the agreement], he is liable."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ حُصَيْنِ، وَمُغِيرَةً، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا حَالَفَ الْمُسْتَوْدِعُ، وَالْمُسْتَبْضَعُ، وَالْمُسْتَعِيرُ، فَهُوَ ضَامِنٌ

[21467] Abu Bakr said: Hafs told us from Hajjaj, from Abu al-Zubayr, from Jabir: That Abu Bakr did not hold the depositary liable.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ حَاجَاجٍ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ: أَنَّ أَبَا بَكْرٍ، كَانَ لَا يُضْمِنُ الْوَدِيعَةَ

[21468] Abu Bakr said: Abu Khalid al-Ahmar told us from Hajjaj, from Hilal ibn 'Abd al-Rahman, from 'Abd Allah ibn 'Ukaym, that a man entrusted another man with a deposit and it perished, so 'Umar did not hold him liable.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو خَالِدِ الْأَحْمَرَ، عَنْ حَاجَاجٍ، عَنْ هَلَالِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ عَبْدِ اللَّهِ بْنِ عُكْبَيْرٍ، أَنَّ رَجُلًا اسْتَوْدَعَ رَجُلًا وَدِيعَةً فَهَلَكَتْ، فَلَمْ يُضْمِنْهُ عُمَرُ

[21469] Abu Bakr said: 'Abd al-A'la told us from Ma'mar, from Al-Zuhri, who said: "There is no liability on the depositary and the borrower unless he is suspected."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، قَالَ: لَيْسَ عَلَى الْمُسْتَوْدِعِ وَالْمُسْتَبْضَعِ ضَمَانٌ إِلَّا أَنْ يُتَّهَمَ

[21470] Abu Bakr said: Hushaym told us from Mughirah, from Al-Harith, and from Ash'ath, from Al-Hakam, that they saw no harm in the pledge if it was in the hands of a just person and possessed.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ الْحَارِثِ، وَعَنْ أَسْعَثَ، عَنِ الْحَكَمِ، أَنَّهُمَا كَانَا لَا يَرِيَانِي بِأَسَا بِالرَّهْنِ إِذَا كَانَ عَلَى يَدِي عَذْلٌ مَقْبُوضًا

[21471] Abu Bakr said: Waki' told us from Sufyan, from Jabir and Ash'ath, from Al-Sha'bi, who said: "It is a pledge."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، وَأَشْعَثَ، عَنِ الشَّعْبِيِّ قَالَ: هُوَ رَهْنٌ

[21472] Abu Bakr said: Waki' told us from Sufyan, from Ash'ath, from Al-Hakam, who said: "It is not a pledge until its owner takes possession of it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ أَشْعَثَ، عَنِ الْحَكَمِ، قَالَ: لَا يَكُونُ رَهْنٌ حَتَّى يَقْبِضَهُ صَاحِبُهُ

[21473] Abu Bakr said: Waki' told us from Sharik, from Salim, from Sa'id, that he recited: {Then a pledge taken} [Al-Baqarah: 283], and said: "A pledge is not valid unless taken into possession."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شَرِيكٍ، عَنْ سَالِمٍ، عَنْ سَعِيدٍ أَنَّهُ قَرَأَهَا: {فَإِنْ هَانَ مَقْبُوضَةٌ} [البقرة 283] قَالَ: لَا يَكُونُ الرَّهْنُ إِلَّا مَقْبُوضًا

[21474] Abu Bakr said: Abu Bakr ibn 'Ayyash told us from Mughirah, from Ibrahim, that he disliked for a man to be given money as Mudarabah on the condition that he gives him goods.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو بَكْرٌ بْنُ عَيَّاشٍ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، أَنَّهُ كَرِهَ أَنْ يُعْطَى الرَّجُلُ مَالًا مُضَارَّةً عَلَى أَنْ يُعْطِيهِ بِضَاعَةً

[21475] Abu Bakr said: Ibn Abi Rawwad told us from Ma'mar, from Ibn Tawus, from his father, that he disliked it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي رَوَادٍ، عَنْ مَعْمَرٍ، عَنْ ابْنِ طَاؤُسٍ، عَنْ أَبِيهِ، أَنَّهُ كَرِهَ

[21476] Abu Bakr said: Ghundar told us from Ash'ath, from Al-Hasan, that he was asked about a man who gave money to another as Mudarabah and stipulated goods upon him, and he disliked it. And Ibn Sirin saw no harm in it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ أَشْعَثَ، عَنْ الْحَسَنِ، أَنَّهُ سُئِلَ عَنْ رَجُلٍ دَفَعَ إِلَى رَجُلٍ مَالًا مُضَارَّةً، وَاشْتَرَطَ عَلَيْهِ بِضَاعَةً أَنَّهُ كَرِهَهُ، وَكَانَ ابْنُ سِيرِينَ لَا يَرَى بِهِ بَأْسًا

[21477] Abu Bakr said: Ibn 'Ulayyah told us from Ayyub, from Muhammad ibn Sirin, that he saw no harm in a man giving money to another as Mudarabah on the condition that he carries goods for him or does some work for him.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ أَيُوبَ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، أَنَّهُ كَانَ لَا يَرَى بِأَسَأَ أَنْ يَدْفَعَ الرَّجُلُ إِلَى الرَّجُلِ مَالًا مُضَارَّةً عَلَى أَنْ يَحْمِلَ لَهُ بِضَاعَةً أَوْ يَعْمَلَ لَهُ عَمَلاً

[21478] Abu Bakr said: Waki' told us from Sufyan, from his father, from 'Ikrimah, who said: 'Umar ibn al-Khattab said regarding the Umm al-Walad: "Her child has freed her, even if it was a miscarriage."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفِيَّانَ، عَنْ أَبِيهِ،
عَنْ عَكْرِمَةَ، قَالَ: قَالَ عُمَرُ بْنُ الْخَطَّابِ فِي أُمِّ الْوَلَدِ:
أَعْنَقَهَا وَلَدُهَا، وَإِنْ كَانَ سِقْطًا

[21479] Abu Bakr said: Waki' told us from 'Umar ibn Dharr, from Muhammad ibn 'Abd Allah ibn Qarib al-Thaqafi, from his father, that he bought a slave girl for four thousand from a man, who had miscarried a fetus from her master. This reached 'Umar, so he came to him and struck him with a whip, saying: "After your flesh mixed with their flesh and your blood with their blood, you sold them? May Allah curse the Jews; fat was forbidden to them, so they sold it and ate its price."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ عُمَرَ بْنِ ذَرٍّ، عَنْ
مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ قَارِبِ الثَّقَافِيِّ، عَنْ أَبِيهِ، أَنَّهُ
اشْتَرَى مِنْ رَجُلٍ جَارِيَةً بِأَرْبَعَةِ أَلْفٍ قَدْ كَانَتْ أَسْفَطَتْ
مِنْ مَوْلَاهَا سِقْطًا، فَبَلَغَ ذَلِكَ عُمَرُ، فَأَنَّاهُ قَعَلَةً بِالدَّرَّةِ
ضَرْبًا، وَقَالَ: بَعْدَمَا اخْتَلَطَتْ لَحْوُكُمْ بِلَحْوِهِنَّ،
وَدِمَاؤُكُمْ بِدِمَائِهِنَّ بِغَنْمُهُنَّ، لَعَنَ اللَّهِ الْيَهُودُ، حُرِّمَتْ
عَلَيْهِمُ الشُّحُومُ، فَبَاعُوهَا وَأَكَلُوا أَثْمَانَهَا

[21480] Abu Bakr said: Hushaym told us from Yunus, from Al-Hasan, who said: If a slave girl becomes pregnant by her master and then miscarries, he said: "If its form was distinct, she is an Umm al-Walad, and there is no way to sell her."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، قَالَ: إِذَا حَمَلَتِ الْأُمَّةُ مِنْ سَيِّدِهَا، ثُمَّ أَسْقَطَتْ، قَالَ: إِنْ كَانَ اسْتَبَانَ حَلْفَةً فَهِيَ أُمٌّ وَلَدٌ، لَا سَبِيلٌ إِلَى بَيْعِهَا

[21481] Abu Bakr said: Hushaym told us from Dawud, from Al-Sha'bi, who said: "If it breaks in the fourth creation and is formed, the slave girl is freed by it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ دَاؤِدَ، عَنِ الشَّعْبِيِّ، قَالَ: إِذَا انْكَسَرَ فِي الْخَلْقِ الرَّابِعِ، فَكَانَ مُخْلَقاً أَعْتَقْتُ بِهِ الْأُمَّةَ

[21482] Abu Bakr said: 'Abd al-A'la told us from Hisham, from Al-Hasan and Muhammad, who said: "If the slave girl miscarries from her master, she is free."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، وَمُحَمَّدٍ، أَنَّهُمَا قَالَا: إِذَا أَسْقَطَتِ الْأُمَّةُ مِنْ سَيِّدِهَا فَهِيَ حُرَّةٌ

[21483] Abu Bakr said: Ma'n ibn 'Isa told us from Ibn Abi Dhi'b, from Al-Zuhri, who said: "The Umm al-Walad is freed if she miscarries, provided it is known to be a miscarriage."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مَعْنُ بْنُ عِيسَى، عَنْ ابْنِ أَبِي ذِئْبٍ، عَنِ الرُّهْبَرِيِّ، قَالَ: تُعْقَلُ أُمُّ الْوَلَدِ إِذَا أَسْقَطَتْ إِذَا عُلِمَ أَنَّهُ كَانَ سِقْطًا

[21484] Abu Bakr said: Yazid ibn Harun told us from Hammad ibn Salamah regarding the Umm al-Walad: "If she delivers it as a clot, she is freed by it."

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَمَادِ بْنِ سَلَمَةَ، فِي أُمِّ الْوَلَدِ إِذَا وَضَعَتْهُ وَهُوَ مُضْغَطٌ فَقَدْ عَفَقَتْ بِهِ

[21485] Abu Bakr said: Jarir told us from 'Abd al-'Aziz ibn Rufay', from 'Ata', who said: I asked him, saying: We carry these goods for people and we need them on the way. He said: "If you arrive, you buy for its owners what is needed and do not withhold it?" I said: Yes. He said: "There is no harm; it is better for the owner of the goods."

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ عَبْدِ الْعَزِيزِ بْنِ رُفَيْعٍ، عَنْ عَطَاءٍ، قَالَ: سَأَلْتُهُ قُلْتُ: إِنَّا نَحْمِلُ هَذِهِ الْبَضَائِعَ لِلنَّاسِ فَنَحْتَاجُ إِلَيْهَا فِي الطَّرِيقِ، قَالَ: إِذَا قَدِمْتَ اشْتَرَيْتُ لِأَصْحَابِهَا حَاجَتَهَا وَلَمْ تَحْسِنْهَا قُلْتُ: بَلَى، قَالَ: لَا بَأْسَ، هُوَ خَيْرٌ لِصَاحِبِ الْبَضَائِعِ

[21486] Abu Bakr said: Yazid ibn Harun told us from Hisham, from Al-Hasan, regarding a man who was given dirhams to buy something, but he spent them on his needs, then returned them and bought what he was ordered to buy. He said: "He is liable until he hands it over to its owner."

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، فِي رَجْلِ دُفَعَتْ إِلَيْهِ دَرَاهِمٌ يَشْتَرِي بِهَا شَيْئًا، فَصَرَفَهَا فِي حَاجَتِهِ، ثُمَّ رَدَّهَا، فَأَشْتَرَى بِهَا الَّذِي أُمِرَّ بِهِ، قَالَ: هُوَ ضَامِنٌ حَتَّى يُسَلِّمَهَا إِلَى رَبِّهَا

[21487] Abu Bakr said: 'Ali ibn Mushir told us from Isma'il, from Mahan, who said: Ibn Mas'ud passed by a man weighing a small weight and he tipped the scale. He said: "Straighten the tongue of the scale, and when it is straight, add from your own wealth whatever you wish."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ إِسْمَاعِيلَ، عَنْ مَاهَانَ، قَالَ: مَرَّ ابْنُ مَسْعُودٍ عَلَى رَجُلٍ يَزِنُ دُوَيْرَةً فَقَدْ أَرْجَحَ، فَقَالَ: أَقْمِ لِسَانَ الْمِيزَانَ، فَإِذَا اسْتَقَامَ فَزِدْهُ مِنْ مَالِكٍ مَا شِئْتَ

[21488] Abu Bakr said: Abu al-Ahwas told us from Abu Sinan, from Abu al-Hudhayl - as Abu al-Ahwas said - who said: "I saw 'Ammar ibn Yasir buying cucumbers and he asked for an extra bundle, but he refused to give him more. I saw 'Ammar disputing with him over it, and I do not know which of them prevailed."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ أَبِي سِنانٍ، عَنْ أَبِي الْهُدَيْلِ، كَذَا قَالَ أَبُو الْأَحْوَصِ، قَالَ: رَأَيْتُ عَمَّارَ بْنَ يَاسِرٍ اشْتَرَى قِنَّاءَ فَاسْتَرَادَهُ حَبْلًا فَأَبَى أَنْ يَزِيدَهُ، فَرَأَيْتُ عَمَّارًا يُتَازِّعُهُ إِيَّاهُ، فَلَا أَدْرِي أَيُّهُمَا غَلَبَ عَلَيْهِ.

[21489] Abu Bakr said: Muhammad ibn Fudayl told us from Abu Sinan, from Ibn Abi al-Hudhayl, from 'Ammar, similar to it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ فُضَيْلٍ، عَنْ أَبِي سِنانٍ، عَنْ ابْنِ أَبِي الْهُدَيْلِ، عَنْ عَمَّارٍ، مِثْلُهُ

[21490] Abu Bakr said: Waki' told us from Yunus, from Bahdal Abu al-Waddah al-Shaybani, from a man, from 'Ali: That he passed by 'Aishah who had bought meat and was saying: "Give me more." He said to him: "Increase for her; it is greater for the blessing of the sale."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ يُونُسَ، عَنْ بَهْدَلِ
أَبِي الْوَضَاحِ الشَّيْبَانِيِّ، عَنْ رَجُلٍ، عَنْ عَلَيِّ: أَنَّهُ مَرَّ
عَلَى عَائِشَةَ وَقَدْ اشْتَرَتْ لَحْمًا وَهِيَ تَقُولُ: زِدْنِي، فَقَالَ
لَهُ: زِدْهَا، هُوَ أَعْظَمُ لِبَرَكَةِ الْبَيْعِ

[21491] Abu Bakr said: Waki' told us from Isra'il, from Mughirah, from Ibrahim, who said: "There is no harm in asking for an increase on the sale."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ
مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا بَأْسَ أَنْ يَسْتَرِيدَ عَلَى
الْبَيْعِ

[21492] Abu Bakr said: Waki' told us: Sufyan told us from Abu Husayn, from a man of Al-Nakha', who said: "I saw 'Ammar buying cucumbers from a man and disputing with him over a bundle." 'Ammar was saying: "Give me more," and the other was saying:

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ أَبِي حُصَيْنٍ، عَنْ رَجُلٍ مِنَ النَّخْعَ قَالَ: رَأَيْتُ
عَمَارًا اشْتَرَى فِتَنَاءَ مِنْ رَجُلٍ فَنَازَ عَهُ حَبْلًا، وَعَمَارٌ
يَقُولُ: زِدْنِي وَالْأُخْرُ يَقُولُ: لَا

[21493] Abu Bakr said: Waki' told us from Sufyan, from Jabir, from someone who heard Ibn 'Umar saying to him: "If you buy meat, do not ask for more."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ
جَابِرٍ، عَمَّنْ سَمِعَ أَبْنَ عُمَرَ، يَقُولُ لَهُ: إِذَا اشْتَرَيْتَ
لَحْمًا فَلَا شَتَرْذَ

[21494] Abu Bakr said: Ibn 'Uyaynah told us from 'Amr, who said: Abu al-Sha'tha' said: "A gift is not valid for a woman until she gives birth to her like."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، قَالَ: قَالَ أَبُو الشَّعْنَاءِ: لَا يَجُوزُ لِامْرَأَةٍ عَطِيهَ حَتَّى تَلِدْ شَرْوَاهَا

[21495] Abu Bakr said: Ibn 'Uyaynah told us from Ibn Tawus, from his father, who said: "A gift is not valid for a woman except with her husband's permission."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ ابْنِ طَلْوُسٍ، عَنْ أَبِيهِ، قَالَ: لَا يَجُوزُ لِامْرَأَةٍ عَطِيهَ إِلَّا بِإِذْنِ زَوْجِهَا

[21496] Abu Bakr said: Abu al-Ahwas told us from Mughirah, from Al-Sha'bi, who said: "If a year passes while she is in her house, what she did becomes valid for her."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ مُغِيرَةَ، عَنْ الشَّعْبِيِّ، قَالَ: إِذَا حَلَتْ فِي بَيْتِهَا حَوْلًا جَازَ لَهَا مَا صَنَعَتْ

[21497] Abu Bakr said: Abu al-Ahwas told us from Mughirah, from Ibrahim, who said: "If the slave girl gives birth or one like her gives birth, her gift becomes valid."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا وَلَدَتِ الْجَارِيَةُ أَوْ وَلَدَ مِثْلُهَا جَازَ لَهَا هَبَّتُهَا

[21498] Abu Bakr said: Ibn Abi Za'idah told us from his father, from 'Amir, from Shurayh, who said: "Umar covenanted with me not to validate a gift of a possessed woman until a year passes in her house or she gives birth."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ أَبِيهِ، عَنْ عَامِرٍ، عَنْ شُرَيْحٍ، قَالَ: عَهْدٌ إِلَيْهِ عُمَرُ أَنْ لَا أُجِيرَ هِبَةً مُمْلَكَةً حَتَّى تَحُولَ فِي بَيْتِهَا حَوْلًا أَوْ تَلَدَّ بَطْنًا

[21499] Abu Bakr said: Ibn Abi Za'idah told us from Mujalid, from 'Amir, who said: I read 'Umar's letter to Shurayh regarding that: A slave girl from Quraysh was told by her brother while she was possessed: "Give me your inheritance from your father as charity before you go to your husband." She did so, then she demanded her inheritance, and he returned it to her.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ مُجَالِدٍ، عَنْ عَامِرٍ، قَالَ: قَرَأْتُ كِتَابَ عُمَرَ إِلَى شُرَيْحٍ بِذَلِكَ: وَذَلِكَ أَنَّ جَارِيَةً مِنْ قُرَيْشٍ قَالَ لَهَا أَخُوهَا وَهِيَ مُمْلَكَةٌ: تَصَدَّقِي عَلَيَّ بِمِيراثِكِ مِنْ أَبِيكَ قَبْلَ أَنْ تَذَهَّبِي إِلَى زَوْجِكَ، فَفَعَلَتْ، ثُمَّ طَلَّبَتْ مِيراثَهَا فَرَدَّهَا عَلَيْهَا

[21500] Abu Bakr said: Abu Dawud al-Tayalisi told us from Sa'id ibn 'Abd al-Rahman, from Al-Hasan and Muhammad. Muhammad said: "A gift is not valid for a woman until a year passes or she gives birth to a child." Al-Hasan said: "Until she gives birth to a child or reaches that stage."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو دَاوُدَ الطَّيَالِسِيُّ، عَنْ سَعِيدِ بْنِ عَبْدِ الرَّحْمَنِ، عَنِ الْحَسَنِ، وَمُحَمَّدٍ، قَالَ مُحَمَّدٌ: لَا تَجُوزُ لِإِمْرَأَةٍ عَطْيَةً حَتَّى تَحُولَ حَوْلًا أَوْ تَلَدَّ وَلَدًا، وَقَالَ الْحَسَنُ: حَتَّى تَلَدَّ وَلَدًا أَوْ تَبْلُغَ ذَلِكَ

[21501] Abu Bakr said: Ibn Abi Za'idah told us from Isma'il, from Al-Sha'bi, who said: I said to him: "What if she remains unmarried (becomes an old maid)?" He said: "It is not valid."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ إِسْمَاعِيلَ، عَنِ الشَّعْبِيِّ، قَالَ: قُلْتُ لَهُ: أَرَأَيْتَ إِنْ عَنِسْتَ قَالَ: لَا يَجُوزُ

[21502] Abu Bakr said: 'Ubayd Allah told us from 'Uthman ibn al-Aswad, from 'Ata' and Mujahid, who said regarding the female orphan: "She has two constrictions: Nothing is valid for her regarding her wealth until she gives birth to a child or a year passes while she is in her husband's house."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عُبَيْدُ اللَّهِ عَنْ عُثْمَانَ بْنِ الْأَسْوَدِ، عَنْ عَطَاءٍ، وَمُجَاهِدٍ، قَالَا لِلْيَتَمَّةِ خِنَاقَانِ: لَا يَجُوزُ لَهَا شَيْءٌ فِي مَالِهَا حَتَّى تَلِدْ وَلَدًا أَوْ تَمْضِي عَلَيْهَا سَنَةً فِي بَيْتِ زَوْجِهَا

[21503] Abu Bakr said: Waki' told us from Isma'il and Zakariyya, from Al-Sha'bi, from Shurayh, who said: "'Umar instructed me not to validate a gift of a slave girl until a year passes for her in her house or she gives birth to a child." Isma'il said: I said to Al-Sha'bi: "What if she becomes an old maid, is it valid?" He said: "Yes."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْمَاعِيلَ، وَزَكْرِيَّا، عَنِ الشَّعْبِيِّ، عَنْ شُرِيكٍ، قَالَ: عَهْدٌ إِلَيْهِ عُمَرُ أَنْ لَا أُحِيزَ هِبَةً جَارِيَةً حَتَّى تَحُولَ فِي بَيْتِهَا حَوْلًا أَوْ تَلِدْ وَلَدًا. قَالَ إِسْمَاعِيلُ: قُلْتُ لِلشَّعْبِيِّ: أَرَأَيْتَ إِنْ عَنِسْتَ يَجُوزُ؟ قَالَ: نَعَمْ

[21504] Abu Bakr said: Ibn Idris told us from Hisham, from Ibn Sirin, who said: “He used to see no harm in the price of a cat.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنْ ابْنِ سِيرِينَ، قَالَ: كَانَ لَا يَرَى بِأَسَّا بِئْمَنَ الْهَرَّ

[21505] Abu Bakr said: Hafs told us from Layth, from Mujahid and Tawus, that they disliked the price of a cat, selling it, eating its meat, and benefiting from its skin.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ، وَطَاؤِسٍ، أَنَّهُمَا كَرِهَا تَمَنَ السَّنَورَ، وَبَيْعَهُ وَأَكْلَ لَحْمِهِ، وَأَنْ يُنْتَفَعَ بِجُلْدِهِ

[21506] Abu Bakr said: Ibn Idris told us from Shu'bah, who said: I asked Al-Hakam and Hammad about the price of a cat, and they said: “There is no harm in it.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ الْحَكَمَ، وَحَمَادًا عَنْ تَمَنِ السَّنَورِ، فَقَالَا: لَا بَأْسَ بِهِ

[21507] Abu Bakr said: Abu Dawud al-Tayalisi told us from Abu Hurrah, from Al-Hasan, regarding a man who bought a cat. He said: “There is no harm in buying it, but its price is disliked for the seller.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو دَاؤَدَ الطَّيَالِسِيُّ، عَنْ أَبِي حُرَّةَ، عَنِ الْحَسَنِ، فِي رَجُلٍ اشْتَرَى هِرَّاً، فَقَالَ: لَا بَأْسَ بِشَرَائِهِ، كُرِهَ تَمَنُهُ لِبَاعِ

[21508] Abu Bakr said: Waki' told us from Abu Hanifah, who said: I asked 'Ata' about it, and he said: “There is no harm in it.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ أَبِي حَنِيفَةَ، قَالَ: سَأَلْتُ عَطَاءَ عَنْهُ، فَقَالَ: لَا بَأْسَ بِهِ

[21509] Abu Bakr said: Waki' told us from Al-A'mash, who said: I think Abu Sufyan mentioned it from Jabir, who said: "The Messenger of Allah (saw) forbade the price of a cat."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنِ الْأَعْمَشِ، قَالَ:
أَرَى أَنَّ أَبَا سُفْيَانَ، ذَكَرَهُ عَنْ جَابِرٍ، قَالَ: نَهَى رَسُولُ
اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ ثَمَنِ الْمَهْرِ

[21510] Abu Bakr said: Waki' told us from Hammad ibn Salamah, from Abu al-Muhazzam, from Abu Hurayrah, and from Abu al-Zubayr, from Jabir, that they both disliked the price of a cat.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ حَمَادِ بْنِ سَلَمَةِ،
عَنْ أَبِي الْمُهَرَّمِ، عَنْ أَبِي هُرَيْرَةَ، وَعَنْ أَبِي الرُّبَيْرِ،
عَنْ جَابِرٍ أَنَّهُمَا كَرِهَا ثَمَنَ الْمَهْرِ

[21511] Abu Bakr said: Abu al-Ahwas told us from Simak, from Qabus ibn Abi al-Mukhariq, from his father, who said: 'Ali sent Muhammad ibn Abi Bakr to Egypt. He wrote to him asking about a Mukatab (slave with a contract of manumission) who died leaving wealth and children. He wrote ordering in the letter: "If he left enough to fulfill his Mukatabah, his masters claim it and receive full payment, and whatever remains is inheritance for his children."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو الْأَخْوَصِ، عَنْ سِيمَاكِ،
عَنْ قَابُوسِ بْنِ أَبِي الْمُخَارِقِ، عَنْ أَبِيهِ، قَالَ: بَعَثَ
عَلَيِّ مُحَمَّدَ بْنَ أَبِي بَكْرٍ عَلَى مِصْرَ، فَكَتَبَ إِلَيْهِ يَسَّالَهُ
عَنْ مُكَاتِبٍ مَاتَ وَثَرَكَ مَالًا وَلَدًا، فَكَتَبَ يَأْمُرُ فِي
الْكِتَابِ: إِنْ كَانَ تَرَكَ وَفَاءً لِمُكَاتِبِهِ يَدِعِي مَوَالِيهِ
فَيُسْتُوفَونَ، وَمَا بَقِيَ كَانَ مِيرَاثًا لِوَلَدِهِ

[21512] Abu Bakr said: Ibn Abi Za'idah told us from Isma'il, from Al-Sha'bi, who said: I said to him: Shurayh used to judge regarding a Mukatab who dies leaving wealth and children, that what remains of his Mukatabah is paid to his masters on his behalf, and what is left is returned to his children? He said: Shurayh used to judge in it according to the judgment of 'Abd Allah.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ إِسْمَاعِيلَ، عَنِ الشَّعْبِيِّ، قَالَ: قُلْتُ لَهُ: إِنَّ شُرَيْحًا كَانَ يَقْضِي فِي الْمُكَاتِبِ يَمُوتُ وَيَرْثُكُ مَالًاً وَوَلَدًا، يُؤْدِي عَنْهُ لِمَوَالِيهِ مَا بَقَى مِنْ مُكَاتَبَتِهِ، وَمَا بَقَى رَدَّهُ عَلَى وَلَدِهِ؟ فَقَالَ: إِنَّ شُرَيْحًا كَانَ يَقْضِي فِيهَا بِقَضَاءِ عَنْهِ اللَّهُ

[21513] Abu Bakr said: Jarir told us from Mansur, from Ibrahim, who said: “If anything remains, it belongs to his masters until his Mukatabah is completed. If anything remains after his Mukatabah, it belongs to his heirs.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِنْ فَضَلَ شَيْءٌ كَانَ لِمَوَالِيهِ حَتَّى تَتَمَّ مُكَاتَبَتُهُ، وَإِنْ فَضَلَ شَيْءٌ بَعْدَ مُكَاتَبَتِهِ كَانَ لِوَرَثَتِهِ

[21514] Abu Bakr said: Waki' told us from Sufyan, from Mansur, from Ibrahim, similar to it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، مِثْلُهُ

[21515] Abu Bakr said: Muhammad ibn Yazid told us from Abu al-'Ala', from Qatadah, that 'Umar ibn al-Khattab and Zayd ibn Thabit said: "If the Mukatab dies and has wealth, it belongs to his masters, and his children have nothing."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ يَزِيدَ، عَنْ أَبِي الْعَلَاءِ، عَنْ قَتَادَةَ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، وَرَبِيعَ بْنَ تَابِتٍ قَالَا: إِذَا مَاتَ الْمُكَاتَبُ وَلَهُ مَالٌ فَهُوَ لِمَوَالِيهِ، وَلَيْسَ لِوَلَدِهِ شَيْءٌ

[21516] Abu Bakr said: Waki' told us from Isma'il ibn Abi Khalid, from 'Amir, from 'Abd Allah, regarding a Mukatab who died leaving wealth and free children. He said: "What remains of his Mukatabah is paid, and what remains is for his children."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنْ عَامِرٍ، عَنْ عَبْدِ اللَّهِ، فِي مُكَاتَبٍ مَاتَ وَتَرَكَ مَالًا وَوَلَدًا أَحْرَارًا قَالَ: يُؤَدِّي مَا بَقَى مِنْ مُكَاتَبَتِهِ، وَمَا بَقَى فَلِوَلَدِهِ

[21517] Abu Bakr said: Sharik told us from Maysarah, from his father, from his grandfather, that 'Abd Allah freed him and said: "Indeed, your wealth belongs to me, but it is for you."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ مَيْسَرَةَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، أَنَّ عَبْدَ اللَّهِ، "أَعْنَقَهُ، قَالَ: أَمَا إِنَّ مَالَكِ لِي، وَلَكِنَّهُ لَكَ

[21518] Abu Bakr said: Isma'il ibn Ibrahim told us from Ayyub, from Ibn Sirin, that Anas asked a slave of his about his wealth. He informed him, so he said: "You and your wealth [are free]."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ أَيُوبَ، عَنْ ابْنِ سِيرِينَ، أَنَّ أَنَّسًا، سَأَلَ عُلَامَاءَ لَهُ عَنْ مَالِهِ، فَأَخْبَرَهُ فَقَالَ: أَنْتَ وَمَالُكَ

[21519] Abu Bakr said: Ghundar told us from Hisham al-Dastuwa'i, from Abu al-Zubayr, from 'Abd Allah ibn Abi Mulaykah, that a woman from 'Aishah's people freed a slave. I asked 'Aishah, and she said: "If you freed him and did not stipulate his wealth, then his wealth belongs to him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ هِشَامِ الدَّسْطُوَائِيِّ، عَنْ أَبِي الرُّبَّيْرِ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي مُلْكَةَ، أَنَّ امْرَأَةَ مِنْ قَوْمِ عَائِشَةَ أَعْفَقَتْ مَمْلُوكًا، فَسَأَلَتْ عَائِشَةَ، فَقَالَتْ: إِذَا أَعْفَقْتِهِ وَلَمْ تَشْرِطِي مَالَهُ فَمَالُهُ لَكَ

[21520] Abu Bakr said: Waki' told us from Abu al-'Anbas, from 'Imran ibn 'Umayr, from his father, from 'Abd Allah, who freed a slave of his and said: "Indeed, the wealth belongs to me, but it is for you."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ أَبِي الْعَنْبَسِ، عَنْ عَمْرَانَ بْنِ عُمَيْرٍ، عَنْ أَبِيهِ، عَنْ عَبْدِ اللَّهِ أَعْنَقَ عُلَامَاءَ لَهُ، فَقَالَ: أَمَا إِنَّ الْمَالَ لِي، وَلَكِنَّهُ لَكَ

[21521] Abu Bakr said: 'Abd al-A'la told us from Hisham, from Ibn Sirin, that Abu Ayyub called a slave of his and asked him about his wealth. He informed him, so he said: "You and your wealth [are free]."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، عَنْ ابْنِ سِيرِينَ، أَنَّ أَبَا أَيُوبَ، دَعَا غُلَامًا لَهُ فَسَأَلَهُ عَنْ مَالِهِ فَأَخْبَرَهُ فَقَالَ: أَنْتَ وَمَالُكَ

[21522] Abu Bakr said: 'Ali ibn Mushir told us from Isma'il, from Al-Sha'bi, who said: "If a slave is freed, his wealth follows him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ إِسْمَاعِيلَ، عَنِ الشَّعْبِيِّ، قَالَ: إِذَا أُعْنِقَ الْعَبْدُ تَبَعَهُ مَالُهُ

[21523] Abu Bakr said: 'Abd al-A'la told us from Yunus, from Al-Hasan, who said: "The wealth belongs to the slave unless the master stipulates it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنِ الْحَسَنِ، قَالَ: الْمَالُ لِلْعَبْدِ إِلَّا أَنْ يَسْتَثْنِيَ السَّيِّدُ

[21524] Abu Bakr said: Abu Mu'awiyah told us from Al-A'mash, from Ibrahim, who said: "If a man frees his slave, his wealth follows him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا أُعْنِقَ الرَّجُلُ غُلَامًا تَبَعَهُ مَالُهُ

[21525] Abu Bakr said: Humayd ibn 'Abd al-Rahman told us from Hasan ibn Salih, from Ibn Abi Najih, from Mujahid, who said: “If a man frees a slave and he has wealth, the slave's wealth belongs to the slave.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ حَسَنِ بْنِ صَالِحٍ، عَنْ ابْنِ أَبِي تَحِيَّةَ، عَنْ مُجَاهِدٍ، قَالَ: إِذَا أَعْنَقَ الرَّجُلُ الْعَبْدَ وَلَهُ مَالٌ فَمَالُ الْعَبْدِ لِلْعَبْدِ

[21526] Abu Bakr said: Waki' told us from Sufyan, from Layth, from Tawus, who said: “If a slave is freed, his wealth follows him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ لَيْثٍ، عَنْ طَاؤُسٍ، قَالَ: إِذَا أَعْنَقَ الْعَبْدَ تَبِعَهُ مَالُهُ

[21527] Abu Bakr said: Muhammad ibn Abi 'Adi told us from Ibn 'Awn, from Muhammad, regarding one who frees a slave who has wealth. He said: “I like that he clarifies it to him; if he wants to keep it, he keeps it, and if he wants to let him have it, he lets him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنْ ابْنِ عَوْنَ، عَنْ مُحَمَّدٍ، فِي الَّذِي يَعْنِقُ الْعَبْدَ وَلَهُ مَالٌ، قَالَ: أُحِبُّ أَنْ يُبَيِّنَ لَهُ، إِنْ أَرَادَ أَنْ يُمْسِكَهُ مَسْكَهُ، وَإِنْ أَرَادَ أَنْ يَجْعَلَهُ مَعَهُ جَعَلَهُ

[21528] Abu Bakr said: 'Abd al-A'la told us from Ma'mar, from Al-Zuhri, who said: “If a slave frees his slave, and he has wealth, his wealth belongs to his slave.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، قَالَ: إِذَا أَعْنَقَ الْعَبْدَ مَمْلُوكَهُ، وَلَهُ مَالٌ فَمَالُهُ مَمْلُوكَهُ

[21529] Abu Bakr said: Waki' told us from Shu'bah, from Al-Hakam, who said: "If he frees him, the wealth belongs to the master."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ الْحَكَمِ، قَالَ: إِذَا أَعْتَقْتَهُ فَلِمَالٍ لِلْسَّيِّدِ

[21530] Abu Bakr said: Hafs told us from Muhammad ibn Qays, from Muhammad ibn 'Ubayd Allah Abu 'Awn al-Thaqafi, from 'Umar and 'Ali, who said: "If he converts to Islam and has land, we remove the Jizyah from him and take its Kharaj (land tax) from him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَصْنٌ، عَنْ مُحَمَّدِ بْنِ قَيْسٍ، عَنْ مُحَمَّدِ بْنِ عُبَيْدِ اللَّهِ أَبِي عَوْنَى التَّقْفِيِّ، عَنْ عُمَرَ، وَعَلِيٍّ، قَالَا: إِذَا أَسْلَمَ، وَلَهُ أَرْضٌ وَضَعَنَا عَنْهُ الْجِزْيَةَ، وَأَخْذَنَا مِنْهُ خَرَاجَهَا

[21531] Abu Bakr said: Hushaym told us from Sayyar, from Al-Zubayr ibn 'Adi, that a Dihqan (landowner) converted to Islam during the time of 'Ali. 'Ali said to him: "If you remain in your land, we remove the Jizyah from your head and take it from your land. If you move away from it, we are more entitled to it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ سَيَّارٍ، عَنْ الزُّبَيْرِ بْنِ عَدَىٰ، أَنَّ دِهْقَانًا أَسْلَمَ عَلَى عَهْدِ عَلِيٍّ، فَقَالَ لَهُ عَلِيٌّ: إِنَّ أَقْمَتَ فِي أَرْضِكَ رَقْعَنَا الْجِزْيَةَ عَنْ رَأْسِكَ، وَأَخْذَنَاهَا مِنْ أَرْضِكَ، وَإِنْ تَحَوَّلْتُ عَنْهَا، فَنَحْنُ أَحَقُّ بِهَا

[21532] Abu Bakr said: Hushaym told us from Husayn that two men from Ullays converted to Islam during the time of 'Umar. They came to 'Umar and informed him of their conversion. He wrote for them to 'Uthman ibn Hunayf to remove the Jizyah from their heads and take the Tasq (tax) from their lands.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ حُصَيْنٍ، أَنَّ رَجُلَيْنِ، مِنْ أَهْلِ الْيَسِّيرِ أَسْلَمَا فِي عَهْدِ عُمَرَ، فَأَتَيْنَا عُمَرَ، فَأَخْبَرَاهُ بِإِسْلَامِهِمَا، فَكَتَبَ لَهُمَا إِلَى عُתْمَانَ بْنَ حُثَيْفٍ أَنْ يَرْفَعَ الْجِزْيَةَ عَنْ رُءُوسِهِمَا، وَأَنْ يَأْخُذَ الطَّسْقَ مِنْ أَرْضِهِمَا

[21533] Abu Bakr said: Waki' told us: Sufyan told us from Qays ibn Muslim, from Tariq ibn Shihab, that a female landowner from Nahr al-Malik converted to Islam. 'Umar said: "Give her land to her, and let her pay the Kharaj for it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ قَيْسِ بْنِ مُسْلِمٍ، عَنْ طَارِقِ بْنِ شِهَابٍ، أَنَّ دِهْقَانَةً مِنْ أَهْلِ نَهْرِ الْمَلِكِ أَسْلَمَتْ، فَقَالَ عُمَرُ: ادْفَعُوا إِلَيْهَا أَرْضَهَا ثُوَّدَيٌ عَنْهَا الْخَرَاجَ

[21534] Abu Bakr said: Waki' told us from Hasan ibn Salih, from Qays ibn Muslim, from Tariq ibn Shihab, that a female landowner from Nahr al-Malik converted to Islam, so 'Umar wrote to give her the choice.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ حَسَنِ بْنِ صَالِحٍ، عَنْ قَيْسِ بْنِ مُسْلِمٍ، عَنْ طَارِقِ بْنِ شِهَابٍ، أَنَّ دِهْقَانَةً أَسْلَمَتْ مِنْ نَهْرِ الْمَلِكِ، فَكَتَبَ عُمَرُ أَنْ خَيْرُهَا

[21535] Abu Bakr said: Waki' told us from Sufyan, from Jabir, from 'Amir, that Al-Rafil, the Dihqan of Al-Nahrayn, converted to Islam. 'Umar assigned him two thousand, removed the Jizyah from his head, and gave him his land to pay Kharaj for it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، أَنَّ الرَّفِيلَ دِهْقَانَ النَّهَرَيْنَ أَسْلَمَ، فَعَرَضَ لَهُ عُمُرٌ فِي الْقَيْنِ، وَرَفَعَ عَنْ رَأْسِهِ الْجُزْيَةَ وَدَفَعَ إِلَيْهِ أَرْضَهُ يُؤَدِّي عَنْهَا الْخَرَاجَ

[21536] Abu Bakr said: Humayd ibn 'Abd al-Rahman told us from Hasan, who said: I asked 'Ubayd Allah ibn 'Umar about those who converted to Islam from the people of Al-Sawad. He said: "Whoever converts from the people of Al-Sawad who has a Dhidmah (protection pact), his land and wealth are his. And whoever converts who has no Dhidmah, and was taken by force, his land belongs to the Muslims." 'Ubayd Allah said: I read this in the book of 'Umar ibn

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ حَسَنٍ، قَالَ: سَأَلْتُ عُبَيْدَ اللَّهِ بْنَ عُمَرَ عَمَّنْ أَسْلَمَ مِنْ أَهْلِ السَّوَادِ، فَقَالَ: مَنْ أَسْلَمَ مِنْ أَهْلِ السَّوَادِ مِمَّنْ لَهُ ذِمَّةً، فَلَهُ أَرْضُهُ وَمَالُهُ، وَمَنْ أَسْلَمَ مِمَّنْ لَا ذِمَّةَ لَهُ، وَإِنَّمَا أَخْذَهُ عَنْهُ، فَأَرْضُهُ لِلْمُسْلِمِينَ، قَالَ عُبَيْدُ اللَّهِ: قَرَأْتُ هَذَا فِي كِتَابِ عُمَرَ بْنِ عَبْدِ الْغَزِيزِ

[21537] Abu Bakr said: Humayd told us from Hasan, from Mansur, from Ibrahim, who said: “If a man from the people of Al-Sawad converts to Islam and remains on his land, Kharaj is taken from him. But if he leaves it, Kharaj is not taken from him.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حُمَيْدٌ، عَنْ حَسَنٍ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِنَّمَا أَسْلَمَ الرَّجُلُ مِنْ أَهْلِ السَّوَادِ، لَمْ أَقَامْ فِي أَرْضِهِ أَخْذَ مِنْهُ الْخَرَاجَ، فَإِنْ خَرَجَ مِنْهَا لَمْ يُؤْخَذْ مِنْهُ الْخَرَاجُ

[21538] Abu Bakr said: Ibn Abi Za'idah told us from Muhammad ibn Ishaq, from Nafi', from Ibn 'Umar: That a Mukatab of his was unable to pay, so he returned him to slavery and kept what he had taken from him.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّ مُكَاتَبًا لَهُ عَجَزَ، فَرَدَّهُ مَمْلُوكًا، وَأَمْسَكَ مَا أَخْذَ مِنْهُ

[21539] Abu Bakr said: Hafs told us from Ash'ath, from Abu al-Zubayr, from Jabir, who said: “They keep what they took from him.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ قَالَ: لَهُمْ مَا أَخْذُوا مِنْهُ

[21540] Abu Bakr said: Ibn Abi Za'idah and Waki' told us from Isma'il, from Al-Sha'bi, from Masruq, who said: “He puts it in something similar.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، وَوَكِيعٌ، عَنْ إِسْمَاعِيلَ، عَنْ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ، قَالَ: يَجْعَلُهُ فِي مِثْلِهِ

[21541] Abu Bakr said: Jarir told us from Mughirah, from Ibrahim, who said: “Whatever people helped him with in his Mukatabah is looked at and put into freeing slaves, and whatever was from his earnings and wealth belongs to his master.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: يُنْظَرُ مَا كَانَ أَعْنَاءَ النَّاسُ فِي مُكَاتَبَتِهِ، فَيَجْعَلُهُ فِي الرِّقَابِ، وَمَا كَانَ مِنْ كَسْبِهِ وَمَالِهِ فَهُوَ لِمَوْلَاهُ

[21542] Abu Bakr said: Hafs told us from Hajjaj, from Al-Hakam, from Ibrahim, from Shurayh, who said: “He puts it in something similar.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ حَاجَاجَ، عَنْ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، عَنْ شُرَيْحٍ، قَالَ: يَجْعَلُهُ فِي مِثْلِهِ

[21543] Abu Bakr said: Waki' told us from Hasan ibn Salih, from Mujalid, from Al-Sha'bi, from Shurayh, who said: “It belongs to his master.” And Sufyan said from Mughirah from Ibrahim: “He puts it into freeing slaves.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ حَسَنِ بْنِ صَالِحٍ، عَنْ مُجَالِدٍ، عَنْ الشَّعْبِيِّ، عَنْ شُرَيْحٍ، قَالَ: هُوَ لِمَوْلَاهُ . وَقَالَ سُفْيَانُ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ: يَجْعَلُهُ فِي الرِّقَابِ

[21544] Abu Bakr said: Waki' told us from Sufyan, from Abu Ja'far, from Ja'far ibn Abi Tharwan, that 'Ali encouraged people to help Ibn al-Nabbah. They collected more than his Mukatabah for him, and there was a surplus, so 'Ali put it towards [helping other] Mukatabs.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ أَبِي جَعْفَرٍ، عَنْ جَعْفَرِ بْنِ أَبِي تَرْوَانَ، أَنَّ عَلِيًّا، حَتَّى النَّاسَ عَلَى ابْنِ النَّبَّاحِ، فَجَمَعُوا لَهُ أَكْثَرَ مِنْ مُكَاتَبَتِهِ، فَفَضَّلَتْ فَضْلَةً فَجَعَلَهَا عَلَيًّا فِي الْمُكَاتِبَيْنِ

[21545] Abu Bakr said: Ibn 'Ulayyah told us from Yunus, from Al-Hasan, who said: A Mukatab asked for help for one or two slaves and was given a lot. When Abu Musa saw how much he was given, he ordered him and what he was given to be brought in. Then he looked at what he asked for and gave it to him, and took the surplus and put it towards freeing slaves.

[21546] Abu Bakr said: Waki' told us: Al-Rabi' ibn Sabih told us from Yazid ibn Aban, from Subayh ibn 'Abd Allah, that 'Abd Allah ibn 'Abbas encouraged people to help his Mukatab. They collected for him, and he paid his Mukatabah, and there was a surplus, so 'Abd Allah put it towards [helping other] Mukatabs.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، قَالَ: مُكَاتِبٌ سَأَلَ فِي رَقْبَةٍ أَوْ رَقْبَتَيْنِ فَأُعْطِيَ عَطَاءً، فَلَمَّا كُثِرَ فِي عَيْنِ أَبِي مُوسَى مَا أُعْطِيَ أَمْرَ بِهِ وَبِمَا أُعْطِيَ فَأَنْدَلَ، ثُمَّ نَظَرَ الَّذِي سَأَلَ فِيهِ، فَأَعْطَاهُ إِيَّاهُ فَأَخَذَهُ الْفَضْلُ فَجَعَلَهُ فِي رَقْبَتِهِ أَوْ رِقَابِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الرَّبِيعُ بْنُ صَبِّحٍ، عَنْ يَزِيدَ بْنِ أَبِي أَبَانٍ، عَنْ صَبِّحِ بْنِ عَبْدِ اللَّهِ، أَنَّ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ، حَتَّى النَّاسَ عَلَى مُكَاتِبِهِ، فَجَمَعُوا لَهُ فَأَدَى مُكَاتِبَهُ، وَبَقِيَتْ فَضْلَةٌ فَجَعَلَهَا عَبْدُ اللَّهِ فِي الْمُكَاتِبَيْنَ

[21547] Abu Bakr said: 'Abdah ibn Sulayman told us from Sa'id ibn Abi 'Arubah, from Qatadah, from Sa'id ibn al-Musayyib, that he said: "There is no harm in a man tending to palm trees and taking care of them for a third or a quarter, as long as he does not spend anything on them himself."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدَهُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدِ
بْنِ أَبِي عَرْوَةَ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ
قَالَ: لَا يَأْسَ إِنْ يُعَالِجَ الرَّجُلُ النَّخْلَ، وَيَقُولُ عَلَيْهِ
بِالثُّلُثِ وَالرُّبْعِ مَا لَمْ يُنْفِقْ هُوَ مِنْهُ شَيْئًا

[21548] Abu Bakr said: 'Abdah ibn Sulayman told us from Ibn Abi 'Arubah, from Qatadah, from Al-Hasan: That he used to dislike that unless it was for a known wage.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدَهُ بْنُ سُلَيْمَانَ، عَنْ أَبْنِ
أَبِي عَرْوَةَ، عَنْ قَتَادَةَ، عَنْ الْحَسَنِ: أَنَّهُ كَانَ يَكْرَهُ ذَلِكَ
إِلَّا بِأَجْرٍ مَعْلُومٍ

[21549] Abu Bakr said: Ibn 'Ulayyah told us from Ayyub, from Al-Fudayl, from Salim, who said: "The palm trees are given to the one who works on them from its produce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ أَيُوبَ، عَنْ
الْفُضَيْلِ، عَنْ سَالِمٍ، قَالَ: النَّخْلُ يُعْطَى مَنْ عَمِلَ فِيهِ
مِنْهُ

[21550] Abu Bakr said: Jarir told us from Mughirah, from Ibrahim, who said: "He used to dislike everything done for a third or a quarter."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ
إِبْرَاهِيمَ، قَالَ: كَانَ يَكْرَهُ كُلَّ شَيْءٍ يَعْمَلُ بِالثُّلُثِ وَالرُّبْعِ

[21551] Abu Bakr said: 'Abd al-A'la told us from Ma'mar, from Al-Zuhri: That he saw no harm in hiring a worker to work the land for a third or a quarter.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرِ، عَنْ الرُّهْرِيِّ: أَنَّهُ كَانَ لَا يَرَى بِأَسَانِيرَ أَجِيرٍ يَعْمَلُ فِي الْأَرْضِ بِالْثُلُثِ وَالرُّبْعِ

[21552] Abu Bakr said: Ghundar told us from Shu'bah, from Hammad, who said: He used to dislike hiring a worker saying: "You have a third or a quarter of what this land of mine produces."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ حَمَادٍ، قَالَ: كَانَ يَكْرُهُ أَنْ يُسْتَأْجِرَ الْأَجِيرُ فَيَقُولُ: لَكَ الْثُلُثُ أَوْ رُبْعُ مِمَّا يُخْرِجُ أَرْضِي هَذَا

[21553] Abu Bakr said: Muhammad ibn Abi 'Adi told us from Ibn 'Awn, who said: I asked Muhammad about a man giving a weaver a garment for a third plus a dirham, or for a quarter, or whatever they agree upon? He said: "I do not know any harm in it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنْ ابْنِ عَوْنَى، قَالَ: سَأَلْتُ مُحَمَّداً عَنِ الرَّجُلِ يَدْفَعُ إِلَى النَّسَاجِ التَّوْبَ بِالْثُلُثِ، وَدِرْهَمٍ أَوْ بِالرُّبْعِ أَوْ بِمَا تَرَاضَيَا عَلَيْهِ؟ فَقَالَ: لَا أَعْلَمُ بِهِ بِأَسَانِيرِ

[21554] Abu Bakr said: Ibn 'Ulayyah told us from Layth, from Al-Sha'bi and Al-Hakam, from Ibrahim: That he disliked a man giving a garment to a weaver for a third. He said: And 'Ata' saw no harm in that.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهِ، عَنْ لَيْثٍ، عَنْ الشَّعْبِيِّ، وَالْحَكَمِ، عَنْ إِبْرَاهِيمَ: أَنَّهُ كَرِهَ أَنْ يَدْفَعَ الرَّجُلُ التَّوْبَ إِلَى النَّسَاجِ بِالْثُلُثِ قَالَ: وَكَانَ عَطَاءُ لَا يَرَى بِذَلِكَ بِأَسَانِيرِ

[21555] Abu Bakr said: 'Abd al-A'la told us from Ma'mar, from Al-Zuhri, who said: "There is no harm in giving it to him for a third."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمِرٍ، عَنْ الرُّهْبَرِيِّ، قَالَ: لَا يَأْسَ أَنْ يَدْفَعَهُ إِلَيْهِ بِالثُّلُثِ

[21556] Abu Bakr said: Zayd ibn Hubab told us from Abu Hilal, from Qatadah: That he saw no harm in giving a garment to a weaver for a third or a quarter.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا زَيْدُ بْنُ الْحُبَابِ، عَنْ أَبِي هِلَالٍ، عَنْ قَتَادَةَ، أَنَّهُ كَانَ لَا يَرَى بَأْسًا أَنْ يَدْفَعَ التَّوْبَ إِلَى النَّسَاجِ بِالثُّلُثِ وَالرُّبْعِ

[21557] Abu Bakr said: Zayd ibn Hubab told us from Marwan ibn Mu'awiyah, who said: I asked Shahr ibn Hawshab about giving a garment to a weaver for a third or a quarter. He said: "A condition other than [just] that."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا زَيْدُ بْنُ الْحُبَابِ، عَنْ مَرْوَانَ بْنِ مُعَاوِيَةَ، قَالَ: سَأَلْتُ شَهْرَ بْنَ حَوْشَابٍ عَنِ التَّوْبَ يَدْفَعُهُ بِالثُّلُثِ وَالرُّبْعِ إِلَى الْحَائِكِ، قَالَ: شَرْطٌ بِغَيْرِ لَا غَيْرَ

[21558] Abu Bakr said: Zayd ibn Hubab told us from Mubarak, from Al-Hasan: That he disliked giving a garment to a weaver for a third or a quarter.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا زَيْدُ بْنُ الْحُبَابِ، عَنْ مُبَارَكٍ، عَنِ الْحَسَنِ: أَنَّهُ كَرِهَ أَنْ يُدْفَعَ التَّوْبُ إِلَى الْحَائِكِ بِالثُّلُثِ وَالرُّبْعِ

[21559] Abu Bakr said: Ibn Mahdi told us from Hammad ibn Zayd, who said: I asked Ayyub and Ya'la ibn Hakim about a man giving a garment to a weaver for a third or a quarter, and they saw no harm in it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ حَمَادِ بْنِ زَيْدٍ، قَالَ: سَأَلْتُ أَيُوبَ، وَيَعْلَى بْنَ حَكِيمٍ، عَنِ الرَّجُلِ يَدْفَعُ الْتَّوْبَ إِلَى النَّسَاجِ بِالْتَّلْثَلِ وَالرُّبْعِ، فَلَمْ يَرَيَا بِهِ بَأْسًا

[21560] Abu Bakr said: Ibn Abi Za'idah told us from 'Abd al-Rahman ibn Zayd ibn Aslam, from his father, who said: They mentioned a man compelled to eat carrion or the wealth of a Muslim. I said: "He eats the carrion." 'Abd Allah ibn Dinar said: "He eats the wealth of the Muslim." Sa'id ibn al-Musayyib said: "You are correct; carrion becomes lawful for him if compelled, but the wealth of a Muslim does not become lawful for him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ زَيْدِ بْنِ أَسْلَمَ، عَنْ أَبِيهِ، قَالَ: ذَكَرُوا الرَّجُلَ يَضْطُرُ إِلَى الْمَيْتَةِ، وَإِلَى مَالِ الرَّجُلِ الْمُسْلِمِ، فَقُلْتُ: يَأْكُلُ الْمَيْتَةَ وَقَالَ عَبْدُ اللَّهِ بْنُ دِينَارٍ: يَأْكُلُ مَالَ الرَّجُلِ الْمُسْلِمِ، فَقَالَ سَعِيدُ بْنُ الْمُسَيَّبِ: أَصَبَّتَ، إِنَّ الْمَيْتَةَ تَحُلُّ لَهُ إِذَا اضْطُرَّ، وَلَا يَحُلُّ لَهُ مَالُ الْمُسْلِمِ

[21561] Abu Bakr said: Sharik told us from Jabir, from Abu Ja'far, who said: "If he is compelled to what is forbidden to him, then what is forbidden to him becomes lawful for him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ جَابِرٍ، عَنْ أَبِي جَعْفَرٍ، قَالَ: إِذَا اضْطُرَّ إِلَى مَا حُرِّمَ عَلَيْهِ، فَمَا حُرِّمَ عَلَيْهِ فَهُوَ لَهُ حَلَالٌ

[21562] Abu Bakr said: Hushaym told us from Mughirah, from Ibrahim, who said: Whoever sells a pregnant woman or frees her and makes an exception for what is in her womb. He said: “His exception is valid if its form is evident, but if its form is not evident, he has nothing.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: مَنْ بَاعَ حُبْلًا أَوْ أَعْنَقَهَا وَاسْتَثْنَى مَا فِي بَطْنِهَا، قَالَ: لَهُ ثُنِيَّةٌ فِيمَا قَدِ اسْتَبَانَ حَلْقَهُ، وَإِنْ لَمْ يَسْتَبِّنْ حَلْقَهُ فَلَا شَيْءٌ لَهُ

[21563] Abu Bakr said: Hushaym told us from Yunus, from Al-Hasan: That he used to validate his exception in sale but not in manumission.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ يُونُسَ، عَنْ الْخَسْنَ: أَنَّهُ كَانَ يُجِيرُ ثُنِيَّةً فِي الْبَيْعِ، وَلَا يُجِيرُهَا فِي الْعِنْقِ

[21564] Abu Bakr said: Yahya ibn Sa'id told us from Hisham, from Muhammad, regarding a man who frees a slave woman and makes an exception for what is in her womb. He said: “His exception is valid.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ هِشَامٍ، عَنْ مُحَمَّدٍ، فِي الرَّجُلِ يَعْنِقُ الْأُمَّةَ، وَيَسْتَثْنِي مَا فِي بَطْنِهَا، قَالَ: لَهُ ثُنِيَّةٌ

[21565] Abu Bakr said: 'Abd al-A'la told us from Ma'mar, from Al-Zuhri, who said: “They are both free.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمِرٍ، عَنْ الرُّهْبَرِيِّ، قَالَ: هُمَا حُرَانٌ

[21566] Abu Bakr said: Yahya ibn Yaman told us from Sufyan, from Ibn Jurayj, from 'Ata'; and from Sufyan, from Jabir, from Al-Sha'bi; and from Sufyan, from Mansur, from Ibrahim, who all said: "His exception is valid."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ يَمَانَ، عَنْ سُفِّيَانَ،
عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، وَعَنْ سُفِّيَانَ، عَنْ جَابِرٍ،
عَنِ الشَّعْبِيِّ، وَعَنْ سُفِّيَانَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ،
قَالُوا: لَهُ ثُنْيَةٌ

[21567] Abu Bakr said: Harami ibn 'Umarah told us from Shu'bah, who said: I asked Al-Hakam and Hammad about a man who frees a slave woman and makes an exception for what is in her womb. They said: "He has that right."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَرَمَيُّ بْنُ عُمَارَةَ، عَنْ
شُعْبَةَ، قَالَ: سَأَلْتُ الْحَكَمَ، وَحَمَادًا عَنِ الرَّجُلِ يَعْتِقُ
الْأُمَّةَ، وَيَسْتَثْنِي مَا فِي بَطْنِهَا، قَالَا: لَهُ ذَلِكَ
ثُنْيَةٌ

[21568] Abu Bakr said: Qurrah ibn Sulayman told us from Muhammad ibn Fada', from his father, from Ibn 'Umar, who said: I asked him about a man who frees a slave woman and makes an exception for what is in her womb. He said: "His exception is valid."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا قُرَّةُ بْنُ سُلَيْمَانَ، عَنْ مُحَمَّدِ
بْنِ فَضَاءِ، عَنْ أَبِيهِ، عَنْ ابْنِ عُمَرَ، قَالَ: سَأَلْتُهُ عَنِ
الرَّجُلِ يَعْتِقُ الْأُمَّةَ، وَيَسْتَثْنِي مَا فِي بَطْنِهَا، قَالَ: لَهُ
ثُنْيَةٌ

[21569] Abu Bakr said: 'Ali ibn Mushir told us from Isma'il, from Al-Sha'bi, regarding a man who bought a slave, freed him, then found him to be insane. He said: "If the defect existed before the transaction, the seller returns to the buyer the difference between health and defect, and what is taken is used for something similar."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ إِسْمَاعِيلَ، عَنِ الشَّعْبِيِّ، فِي رَجُلٍ اشْتَرَى عَبْدًا فَأَعْنَقَهُ، ثُمَّ وَجَدَ بِهِ جُنُونًا، قَالَ: إِنْ كَانَ الدَّاءُ قَبْلُ الصَّفَقَةِ رَدَّ الْبَائِعُ عَلَى الْمُشْتَرِي فَصُنْدِلَ مَا بَيْنَ الصَّحَّةِ وَالدَّاءِ، وَيَجْعَلُ مَا أُخْدِيَ فِي مِثْلِهِ

[21570] Abu Bakr said: 'Abd al-A'la told us from Yunus, from Al-Hasan, regarding a man who bought a slave, freed him, then a defect appeared that existed with the seller. He said: "He used to make it binding on him, and the seller returns nothing."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنْ الْحَسَنِ، فِي رَجُلٍ اشْتَرَى عَبْدًا فَأَعْنَقَهُ، ثُمَّ ظَاهَرَ بِهِ ذَاءٌ كَانَ عِنْدَ الْبَائِعِ، قَالَ: كَانَ يُوجَّهُ عَلَيْهِ، وَلَا يَرُدُّ الْبَائِعُ شَيْئًا

[21571] Abu Bakr said: Mu'tamir told us from Ma'mar, from Al-Zuhri, who said: "He used to think that the amount corresponding to the defect should be deducted if a defect was found in her after death."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعْتَمِرٌ، عَنْ مَعْمَرٍ، عَنْ الرُّهْبَرِيِّ، قَالَ: كَانَ يَرَى أَنْ يُحَاطَ عَنْهُ بِقَدْرِ الْعَيْبِ إِذَا وُجِدَ بِهَا ذَاءً بَعْدَ الْمُوتِ

[21572] Abu Bakr said: 'Abd Allah ibn Mubarak told us from Ibn Jurayj, from 'Ata', who said: "There is no warranty after death."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُبَارَكٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: لَا عُهْدَةَ بَعْدَ الْمَوْتِ

[21573] Abu Bakr said: Jarir told us from Mughirah, from Al-Harith al-'Ukli and his companions, and from 'Ubaydah, from Ibrahim, who said: "A loan is due immediately, even if it is for a term." And Abu Bakr adopts this view.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ الْحَارِثِ الْعُكْلِيِّ، وَأَصْحَابِهِ، وَعَنْ عُبَيْدَةَ، عَنْ إِبْرَاهِيمَ، قَالُوا: الْفَرْضُ حَالٌ، وَإِنْ كَانَ إِلَى أَجَلٍ. وَبِهِ يَأْخُذُ أَبُو بَكْرٌ

[21574] Abu Bakr said: 'Abd al-Salam ibn Harb told us from Mughirah, from Ibrahim and 'Amir, regarding a man who marries a slave woman and she bears him a child, then he buys her. They said: "He may sell her as long as she did not give birth while in his ownership."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ بْنُ حَرْبٍ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، وَعَامِرٍ فِي الرَّجُلِ يَتَرَوَّجُ الْأَمَةَ فَتَلِدُ مِنْهُ، ثُمَّ يَسْتَرِيهَا، قَالَا: يَبِيعُهَا مَا لَمْ تَلِدْ فِي مَلْكِهِ

[21575] Abu Bakr said: 'Abd al-Salam told us from Layth, from Tawus, who said: "He may sell her."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ، عَنْ لَيْثٍ، عَنْ طَاؤُسٍ، قَالَ: يَبِيعُهَا

[21576] Abu Bakr said: 'Abd al-Salam told us from Sa'id, from Qatadah, from Al-Hasan, who said: "She is an Umm al-Walad."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامِ، عَنْ سَعِيدٍ، عَنْ قَاتَادَةَ، عَنْ الْحَسَنِ، قَالَ: هِيَ أُمٌّ وَلِدٌ

[21577] Abu Bakr said: Waki' told us from Sufyan, from Hammad, who said: "He does not sell her; she is in the status of an Umm al-Walad."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ حَمَادٍ، قَالَ: لَا يَبْيَعُهَا، هِيَ بِمَنْزِلَةِ أُمٌّ وَلِدٌ

[21578] Abu Bakr said: Mu'tamir told us from Ma'mar, from Hammad: Regarding a man who gave money to another as Mudarabah, and the goods were valued at a thousand dirhams, then he sold them for nine hundred. He said: "The capital is nine hundred."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعْتَمِرٌ، عَنْ مَعْمَرٍ، عَنْ حَمَادٍ: فِي رَجُلٍ دَفَعَ إِلَى رَجُلٍ مَالًا مُضَارَبَةً فَقُوِّمَ الْمَتَاعُ أَلْفَ دِرْهَمٍ، ثُمَّ بَاعَهُ بِتِسْعَمِائَةٍ، قَالَ: رَأْسُ الْمَالِ تِسْعَمِائَةٌ

[21579] Abu Bakr said: Mu'adh ibn Mu'adh told us from Ash'ath, from Al-Hasan, regarding a man who gave goods to another as Mudarabah and they valued them between them. He said: "The capital is what the goods were valued at, and its value [otherwise] is nothing."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعَاذُ بْنُ مُعَاذٍ، عَنْ أَشْعَثَ، عَنْ الْحَسَنِ، أَنَّهُ قَالَ فِي رَجُلٍ دَفَعَ إِلَى رَجُلٍ مَتَاعًا مُضَارَبَةً وَقَوْمَاهُ بَيْنَهُمَا: قَالَ: رَأْسُ الْمَالِ مَا قُوِّمَ بِهِ الْمَتَاعُ، وَلَئِنْ قِيمَتُهَا بِشَيْءٍ

[21580] Abu Bakr said: Mu'tamir ibn Sulayman told us from Kathir ibn Nabatah, from Al-Hakam ibn Aban, from Tawus, that he saw no harm in a man valuing goods for another man and giving them to him as Mudarabah at that value.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ كَثِيرِ
بْنِ نَبَاتَةَ، عَنْ الْحَكَمِ بْنِ أَبَانَ، عَنْ طَاؤِسٍ، أَنَّهُ كَانَ لَا
يَرَى بِأَسْأَانِ أَنْ يُقْوِمَ الرَّجُلُ عَلَى الرَّجُلِ الْمُتَنَاعِ، فَيَنْفَعُهُ
إِلَيْهِ مُضَارَبَةً بِتِلْكَ الْقِيمَةِ

[21581] Sufyan ibn 'Uyaynah told us from 'Abd Allah ibn Abi Yazid, from Ibn 'Abbas that he disliked the sale of 'Deh Duwazdoh' (ten for twelve) and said: "It is the sale of non-Arabs."

حَدَّثَنَا سُفيَّانُ بْنُ عُيَيْنَةَ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي يَزِيدَ، عَنْ
ابْنِ عَبَّاسٍ أَنَّهُ كَرِهَ بَيْعَ (دَهْ دُوازْدَهْ) وَقَالَ: بَيْعُ
الْأَعَاجِمِ

[21582] Muhammad ibn Fudayl told us from Bukayr ibn 'Atiq, from Sa'id ibn Jubayr, that he disliked the sale of 'Deh Yazdah' (ten for eleven) and 'Deh Duwazdoh' (ten for twelve). I said to him: How should I do? He said: Say: "I took it for such-and-such, and I sell it to you for such-and-such."

حَدَّثَنَا مُحَمَّدُ بْنُ فُضَيْلٍ، عَنْ بُكَيْرِ بْنِ عَتِيقٍ، عَنْ سَعِيدِ
بْنِ جُبَيْرٍ، أَنَّهُ كَانَ يَكْرَهُ بَيْعَ (دَهْ يَا زَدْهْ) (وَدَهْ
دُوازْدَهْ)، قُلْتُ لَهُ: فَكَيْفَ أَصْنَعُ؟ قَالَ: قُلْ: أَخَذْتُهُ بِكَذَا،
وَأَبِيعُكُهُ بِكَذَا وَكَذَا

[21583] Waki' told us from Sufyan, from Al-Qa'qa' ibn Yazid, from Ibrahim, who said: "We used to dislike it, then we saw no harm in it."

حَدَّثَنَا وَكِبْعُ، عَنْ سُفْيَانَ، عَنْ الْقَعْدَاعَ بْنِ يَزِيدَ، عَنْ إِبْرَاهِيمَ، قَالَ: كُنَّا نَكْرُهُهُ، ثُمَّ لَمْ نَرَ بِهِ بَأْسًا

[21584] Hafs ibn Ghiyath told us from Ash'ath, from Al-Hakam and Hammad, from Ibrahim and Ibn Sirin, that they said: "There is no harm in the sale of 'Deh Duwazdoh' (ten for twelve)."

حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ أَسْعَثَ، عَنْ الْحَكَمِ، وَحَمَادٍ، عَنْ إِبْرَاهِيمَ، وَابْنِ سِيرِينَ، أَنَّهُمَا قَالَا: لَا بَأْسَ بِبَيْعٍ (دَهْ دُوازْدَهْ)

[21585] Waki' told us from Sufyan, from Ja'dah ibn Dhakwan, who said: I witnessed Shurayh permit the sale of 'Deh Duwazdoh' (ten for twelve).

حَدَّثَنَا وَكِبْعُ، عَنْ سُفْيَانَ، عَنْ جَعْدَةَ بْنِ ذَكْوَانَ، قَالَ: شَهِدْتُ شُرَيْحًا أَجَازَ بَيْعَ (دَهْ دُوازْدَهْ)

[21586] Waki' told us from Sufyan, from Jabir, from Al-Qasim, from Masruq that he disliked the sale of 'Deh Duwazdoh' (ten for twelve). He said: Say: "I bought it for such-and-such, and I sell it to you for such-and-such."

حَدَّثَنَا وَكِبْعُ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنْ الْفَاسِمِ، عَنْ مَسْرُوقٍ أَنَّهُ كَرِهَ بَيْعَ (دَهْ دُوازْدَهْ) قَالَ: يَقُولُ: اشْتَرَيْتُهُ بِكَذَا، وَأَبِيعُكُهُ بِكَذَا وَكَذَا

[21587] Abu Bakr said: Waki' told us from Rabi', from Al-Hasan, who said: "He used to dislike it." And 'Ikrimah said: "It is Haram."

[21588] Abu Bakr said: Waki' told us from Al-Walid ibn Jumay', from 'Ikrimah, from Ibn 'Abbas, who said: "It is Riba."

[21589] Abu Bakr said: Sharik told us from Husayn ibn 'Abd Allah, from 'Ikrimah, from Ibn 'Abbas, who said: The Messenger of Allah (saw) said: "Any man whose slave woman bears him a child, she is freed upon his death."

[21590] Abu Bakr said: Abu Khalid al-Ahmar told us from Isma'il ibn Abi Khalid, from Al-Sha'bi, from 'Ubaydah, from 'Ali, who said: 'Umar consulted me regarding the sale of Umm al-Walads. I and he saw that "If she gives birth, she is freed." 'Umar judged by this during his life, and 'Uthman after him. When I took charge after them, I saw that I should enslave her. Al-Sha'bi said: Ibn Sirin told me, saying: I said to 'Ubaydah: What do you think? He said: "The opinion of 'Umar and 'Ali in unity is more beloved to me than the opinion of 'Ali when he attained the Caliphate."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنْ الشَّعْبِيِّ، عَنْ عَبِيدَةَ، عَنْ عَلَيِّ، قَالَ: اسْتَشَارَنِي عُمَرُ فِي بَيْعِ أَمْهَاتِ الْأَوْلَادِ، فَرَأَيْتُ أَنَّا وَهُوَ إِذَا وَلَدْتُ أَعْتَقْتُ، فَقَضَى بِهِ عُمَرُ حَيَاتَهُ، وَعُثْمَانُ مِنْ بَعْدِهِمَا، فَلَمَّا وَلِيَتِ الْأُمُرَ مِنْ بَعْدِهِمَا رَأَيْتُ أَنَّ أَرْفَقَهَا". قَالَ الشَّعْبِيُّ: فَحَدَّثَنِي أَبْنُ سِيرِينَ، قَالَ: قُلْتُ لِعَبِيدَةَ: مَا تَرَى؟ قَالَ: رَأَيْتُ عُمَرَ وَعَلَيِّ فِي الْجَمَاعَةِ أَحَبُّ إِلَيَّ مِنْ قَوْلِ عَلَيِّ حِينَ أَدْرَكَ الْخَلَافَ

[21591] Abu Bakr said: Abu Khalid al-Ahmar told us from Yahya ibn Sa'id, who said: Nafi' informed us that two men from Iraq asked Ibn 'Umar at Al-Abwa'. They said: We left Ibn al-Zubayr selling Umm al-Walads in Mecca. 'Abd Allah ibn 'Umar said: Abu Hafs 'Umar, do you know him? He said: "Any man whose slave girl bears him a child, she is his enjoyment during his life, and she is free after his death. And any man who has intercourse with a slave girl and then neglects her, the child is his, and the neglect is upon him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ يَحْيَى بْنِ سَعِيدٍ، قَالَ: أَخْبَرَنَا نَافِعٌ، أَنَّ رَجُلَيْنِ مِنْ أَهْلِ الْعَرَاقِ، سَأَلَا ابْنَ عُمَرَ بِالْأَبْوَاءِ، قَالَا: ثَرَكْنَا ابْنَ الرَّبِيعِ يَبْيَعُ أُمَّهَاتِ الْأَوْلَادِ بِمَكَّةَ، فَقَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ: أَبُو حَفْصٍ عُمَرُ أَتَعْرِفُانِيهِ؟ قَالَ: أَيْمَانًا رَجُلٌ وَلَدَتْ مِنْهُ جَارِيَةٌ فَوَيَّ لَهُ مُنْعَهُ حَيَاةَهُ، وَهِيَ حُرَّةٌ مِنْ بَعْدِ مَوْتِهِ، وَأَيْمَانًا رَجُلٌ وَطَيَّ جَارِيَةً، ثُمَّ أَضَاعَهَا فَالْأُولُدُ لَهُ، وَالضَّيْعَةُ عَلَيْهِ

[21592] Abu Bakr said: Waki' told us: Al-A'mash told us from Zayd ibn Wahb, who said: A man from the tribe died and left an Umm al-Walad. Al-Walid ibn 'Uqbah stood up to sell her. So we came to 'Abd Allah ibn Mas'ud and asked him. He said: "If you must do it, make her part of her son's share."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْأَعْمَشُ، عَنْ زَيْدِ بْنِ وَهْبٍ، قَالَ: مَاتَ رَجُلٌ مِنَ الْحَيِّ وَنَرَكَ أُمَّهَاتِ الْأَوْلَادِ بْنُ عُقْبَةَ يَبْيَعُهَا فَلَمْ يَنْتَهِي عَبْدُ اللَّهِ بْنُ مَسْعُودٍ فَسَأَلَنَا، فَقَالَ: إِنْ كُنْتُمْ لَا بُدَّ فَاعْلِمُنَّ فَاجْعَلُوهَا مِنْ نَصِيبِ ابْنِهَا

[21593] Abu Bakr said: Waki' told us: Sufyan told us from Salamah ibn Kuhayl, from Zayd ibn Wahb, who said: "Umar ibn al-Khattab sold Umm al-Walads among us, then returned them among us until he returned them pregnant from Tustar."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ
عَنْ سَلَمَةَ بْنِ كَهْيَلٍ، عَنْ زَيْدِ بْنِ وَهْبٍ، قَالَ: بَاعَ عُمَرُ
بْنُ الْخَطَّابَ أُمَّهَاتٍ أَوْ لَادِ فِينَا ثُمَّ رَدَهُنَّ فِينَا حَتَّى
رَدَهُنَّ حَبَالَى مِنْ ثُسَّرَ

[21594] Abu Bakr said: Ibn Numayr told us from Al-A'mash, from Ibrahim, who said: An Umm al-Walad came to 'Ali, and he said: "Umar has freed you all."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنِ الْأَعْمَشِ، عَنْ
إِبْرَاهِيمَ، قَالَ: أَتَثْ عَلَيْاً أُمُّ وَلَادٍ، فَقَالَ: إِنَّ عُمَرَ قَدْ
أَعْنَقَكُنَّ

[21595] Abu Bakr said: Waki' told us from Ja'far ibn Burqan, from Maymun ibn Mihran, who said: It spread in 'Umar ibn 'Abd al-'Aziz's camp that he considered selling Umm al-Walads permissible. A man entered upon him and discussed it with him. It turned out 'Umar relied on the man who discussed it with him for their freedom, and 'Umar saw that as the opinion of 'Umar ibn al-Khattab.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ جَعْفَرِ بْنِ بُرْقَانَ،
عَنْ مَيْمُونَ بْنِ مَهْرَانَ، قَالَ: فَشَا فِي عَسْكَرِ عُمَرَ بْنِ
عَبْدِ الْغَزِيزِ أَنَّهُ يَرَى بَيْعَ أُمَّهَاتِ الْأَوْلَادِ، فَنَخَلَ عَلَيْهِ
رَجُلٌ ذَاكِرٌ فِي ذَلِكَ، فَإِذَا عُمَرُ أَسْنَدَ فِي عَنْهُنَّ مِنْ
الرَّجُلِ الَّذِي ذَاكَرَ ذَلِكَ، وَإِذَا عُمَرُ يَرَى أَنَّ ذَلِكَ رَأِيُ
عُمَرَ بْنِ الْخَطَّابِ

[21596] Abu Bakr said: Waki' told us from Sufyan, from 'Abd Allah ibn Dinar, who said: It was said to Ibn 'Umar: Ibn al-Zubayr is selling Umm al-Walads. Ibn 'Umar said: "But 'Umar judged that she is not to be sold or gifted; her owner enjoys her during his life, and when he dies, she is free."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، قَالَ: قِيلَ لِابْنِ عُمَرَ: إِنَّ ابْنَ الرَّبِيعِ يَبِيعُ أُمَّهَاتِ الْأُولَادِ، فَقَالَ ابْنُ عُمَرَ: لَكِنَّ عُمَرَ قَضَى أَنْ لَا تُبَاعَ وَلَا تُوَهَّبَ، يَسْتَثْمِنُ مِنْهَا صَاحِبُهَا حَيَاةً، فَإِذَا مَاتَ فَهِيَ حُرَّةٌ

[21597] Abu Bakr said: Husayn ibn 'Ali told us from Za'idah, from 'Amr ibn Qays, from Zayd ibn Wahb, from 'Abd Allah, that the sale of Umm al-Walads was mentioned to him. He said: "But 'Umar, the strong and trustworthy, freed them."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حُسَيْنُ بْنُ عَلَيٍّ، عَنْ رَائِدَةَ، عَنْ عَمْرِو بْنِ قَبِيسٍ، عَنْ زَيْدِ بْنِ وَهْبٍ، عَنْ عَبْدِ اللَّهِ، أَنَّهُ ذَكَرَ لَهُ بَيْعَ أُمَّهَاتِ الْأُولَادِ، فَقَالَ: لَكِنَّ عُمَرَ الْقَوِيَّ الْأَمِينَ أَعْقَبَهُنَّ

[21598] Abu Bakr said: Waki' told us: Isma'il ibn Abi Khalid told us from Khalid, from 'Amir, who said: "Uthman judged regarding the Umm al-Walad that she is free if she bears a child from her master."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ أَبِي خَالِدٍ، عَنْ خَالِدٍ، عَنْ عَامِرٍ، قَالَ: قَضَى عُثْمَانُ فِي أُمِّ الْوَلَدِ أَنَّهَا حُرَّةٌ إِذَا وَلَدَتْ مِنْ سَيِّدِهَا

[21599] Abu Bakr said: Ibn Fudayl told us from Ash'ath, from Salim, from Ibn Abi 'Arubah, from Ibn 'Abbas, that he made the Umm al-Walad from the share of her child.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ أَشْعَثَ، عَنْ سَالِمٍ، عَنْ ابْنِ أَبِي عَرْوَةَ، عَنْ ابْنِ عَبَّاسٍ، أَنَّهُ جَعَلَ أُمَّ الْوَلَدِ مِنْ نَصِيبِ وَلَدِهَا

[21600] Abu Bakr said: Jarir told us from Mughirah, from Hammad, from Ibrahim, who said: "If an Umm al-Walad commits an indecency, that does not enslave her; she remains in her state. When her master dies, she is freed."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا أَتَتْ أُمُّ وَلَدٍ بِفَاحِشَةً لَا يُرْفَقُهَا ذَلِكُ، فَهِيَ عَلَى حَالِهَا، إِذَا مَاتَ سَيِّدُهَا عَنَقَتْ

[21601] Abū Bakr reported: Mu'tamir ibn Sulaymān reported from his father who said: Al-Hasan and Ibrāhīm did not see it permissible to sell the Umm al-Walad (slave mother) even if she committed fornication. But Ibn Sīrīn saw it permissible to sell her.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعْمَرُ بْنُ سُلَيْمَانَ، عَنْ أَبِيهِ، قَالَ: كَانَ الْحَسَنُ، وَإِبْرَاهِيمُ لَا يَرَيْانَ أَنْ تُبَاعُ أُمُّ الْوَلَدِ وَإِنْ بَغَتْ وَكَانَ ابْنُ سِيرِينَ يَرَى أَنْ تُبَاعَ

[21602] Abū Bakr reported: Wakī‘ reported from Abān ibn Ṣam‘ah from Bakr ibn ‘Abdullāh al-Muzanī who said: ‘Umar ibn ‘Abd al-‘Azīz wrote regarding the Umm al-Walad: "She is free, even if she commits fornication."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ أَبَائَنَ بْنِ صَمْعَةَ،
عَنْ بَكْرِ بْنِ عَبْدِ اللَّهِ الْمُزَانِيِّ، قَالَ: كَتَبَ عُمَرُ بْنُ عَبْدِ
الْعَزِيزِ، فِي أُمِّ الْوَلَدِ: "هِيَ حُرَّةٌ، وَإِنْ بَعْثَ

[21603] Abū Bakr reported: Wakī‘ reported: Sufyān reported from Abū Ḥuṣayn from Al-Sha‘bī who said: "The Umm al-Walad is not re-enslaved by an event (crime/sin)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ أَبِي حُصَيْنٍ، عَنْ الشَّعْبِيِّ، قَالَ: أُمٌّ وَلَدٌ لَا يُرْقَهَا
الْحَدَثُ

[21604] Abū Bakr reported: Wakī‘ reported from Abū Hilāl from Qatādah from ‘Umar ibn ‘Abd al-‘Azīz who said: "The Umm al-Walad is not sold, even if she commits immorality."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ أَبِي هِلَالٍ، عَنْ
قَتَادَةَ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، قَالَ: لَا تُبَاعُ أُمُّ الْوَلَدِ،
وَإِنْ فَجَرَتْ

[21605] Abū Bakr reported: Wakī‘ reported: Jarīr ibn Ḥāzim reported: A man asked Sālim ibn ‘Abdullāh saying: "My father's Umm al-Walad committed immorality; can I sell her?" He said: "No, her immorality is upon herself, and she is a free woman."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا جَرِيرُ بْنُ
حَازِمٍ، قَالَ: سَأَلَ سَالِمَ بْنَ عَبْدِ اللَّهِ رَجُلٌ قَالَ: أُمُّ الْوَلَدِ
لَا يُبَاعُ، أَبِي فَجَرَتْ، أَبِي عِيْهَا؟ قَالَ: لَا، فُجُورُهَا عَلَى نَفْسِهَا،
وَهِيَ امْرَأَةٌ حُرَّةٌ

[21606] Abū Bakr reported: Waki‘ reported: Yazīd ibn Ibrāhīm reported from Ibn Sīrīn from Mālik ibn ‘Āmir al-Hamdānī who said: ‘Umar said regarding the Umm al-Walad: "If she is chaste and submits (to Islam/master), she is freed. But if she is immoral, disbelieves (is ungrateful), and commits adultery, she is enslaved."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا يَزِيدُ بْنُ إِبْرَاهِيمَ، عَنْ ابْنِ سِيرِينَ، عَنْ مَالِكِ بْنِ عَامِرٍ الْهَمْذَانِيِّ، قَالَ: قَالَ عُمَرُ فِي أُمِّ الْوَلَدِ: إِنْ هِيَ أَحْسَنُ وَأَسْلَمَتْ عُتْقَتْ، وَإِنْ هِيَ فَجَرَتْ، وَكَفَرَتْ، وَزَنَتْ رُقَّتْ

[21607] Abū Bakr reported: Jarīr reported from Maṇṣūr from Ibrāhīm regarding a slave who secretly gave dirhams to a man to buy him and free him. He said: "If his master discovers it before he frees him, he keeps what he took of the price and takes back his slave. But if he discovers it after the one who took him freed him, he takes from the one who bought him whatever is besides what he already took, and he is freed."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، فِي عَبْدِ نَسَّ إِلَى رَجُلٍ دَرَاهِمَ لِيُشْرِيهِ وَيُعْتَقَهُ، قَالَ: إِنْ ظَهَرَ مَوْلَاهُ عَلَيْهِ قَبْلَ أَنْ يُعْتَقَهُ، فَلَهُ مَا أَخَذَ مِنْ ثَمَنِهِ وَيَأْخُذُ عَبْدَهُ، وَإِنْ ظَهَرَ عَلَيْهِ بَعْدَمَا أَعْتَقَهُ الَّذِي أَخَذَهُ، أَخَذَ مِنَ الَّذِي اشْتَرَاهُ سَوَّى مَا قَدْ أَخَذَ فَأَعْتَقَهُ

[21608] Abū Bakr reported: Jarīr reported from Mughīrah from Ibrāhīm who said: "He takes from him again, and his Wala' (allegiance) goes to the one who freed him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: يَأْخُذُ مِنْهُ مَرَّةً أُخْرَى، وَيَصِيرُ وَلَوْهُ لِلَّذِي أَعْنَقَهُ

[21609] Abū Bakr reported: Jarīr and Ash'ath reported from Al-Ḥasan who said: "There is no purchase for him nor manumission for him, and whoever does that is a Fāsiq (transgressor)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، وَأَشْعَثُ، عَنْ الْحَسَنِ، قَالَ: لَا شِرَى لَهُ وَلَا عِنْقَ لَهُ، وَمَنْ فَعَلَ ذَلِكَ فَهُوَ فَاسِقٌ

[21610] Abū Bakr reported: Wakī‘ reported from Ibn Abī Khālid from Al-Sha‘bī who was asked about a slave who secretly gave money to a man who then bought and freed him. Al-Sha‘bī said: "If I caught him, I would punish him severely."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِبِيعُ، عَنْ ابْنِ أَبِي خَالِدٍ، عَنْ الشَّعْبِيِّ، قَالَ: سُئِلَ عَنْ عَبْدِ دَسَّ إِلَى رَجُلٍ مَالًا فَأَشْتَرَاهُ فَأَعْنَقَهُ، قَالَ الشَّعْبِيُّ: لَوْ أَخَذْتُهُ لَعَاقَبْتُهُ عُقُوبَةً شَدِيدَةً

[21611] Abū Bakr reported: Asbāt ibn Muḥammad reported from Muṭarrif from Al-Ḥakam regarding a slave who came to a man, gave him money, and said: "Buy me." So he bought him and freed him, then it was discovered. He said: "The sale is valid, and the price with which the slave was bought is taken."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَسْبَاطُ بْنُ مُحَمَّدٍ، عَنْ مُطَرِّفٍ، عَنْ الْحَكَمِ، فِي عَبْدٍ أُتْهَى رَجُلًا فَأَعْطَاهُ مَالًا وَقَالَ: اشْتَرَنِي، فَاشْتَرَاهُ فَأَعْنَقَهُ، ثُمَّ اطْلَعَ عَلَى ذَلِكَ، قَالَ: الْبَيْعُ جَائِزٌ، وَيُؤْخَذُ الثَّمْنُ الَّذِي اشْتَرَى بِهِ الْعَبْدُ

[21612] Abū Bakr reported: Isrā’īl reported from Jābir from ‘Āmir, Sālim, Al-Qāsim, and ‘Atā’ regarding a slave who gave a man money to buy and free him. They said: "It is not permissible."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْرَائِيلُ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، وَسَالِمٍ، وَالْقَاسِمِ، وَعَطَاءً، فِي عَبْدٍ أَعْطَى رَجُلًا مَالًا فَاشْتَرَاهُ فَأَعْنَقَهُ، قَالُوا: لَا يَجُوزُ

[21613] Abū Bakr reported: Ibn Idrīs reported from Ismā’īl from Abū Bakr from Al-Sha'bī who said: "It is not permissible, and whoever does it is punished."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ إِسْمَاعِيلَ، عَنْ أَبِي بَكْرٍ، عَنْ الشَّعْبِيِّ، قَالَ: لَا يَجُوزُ، وَيُعَاقَبُ مَنْ فَعَلَهُ

[21614] Abū Bakr reported: Ibn Fuḍayl reported from Ash‘ath from Al-Hasan and Ibn Sirīn, who said: "It is not permissible, and whoever does that is a Fāsiq."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ أَشْعَثَ، عَنْ الْحَسَنِ، وَابْنِ سِيرِينَ، قَالَا: لَا يَجُوزُ، وَمَنْ فَعَلَ ذَلِكَ فَهُوَ فَاسِقٌ

[21615] Abū Bakr reported: Ibn ‘Uyaynah reported from ‘Amr from Ṭāwūs from Ibn ‘Abbās who said: It reached ‘Umar ibn al-Khaṭṭāb that so-and-so sells wine. He said: "What is wrong with him, may Allah fight him! Did he not know that the Messenger of Allah ﷺ said: 'May Allah curse the Jews; fat was forbidden to them, so they melted it, sold it, and consumed its price.'"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيُونَةَ، عَنْ عَمْرِو، عَنْ طَاؤِسٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: بَلَغَ عُمَرُ بْنُ الْخَطَّابِ، أَنَّ فُلَانًا يَبْيَعُ الْحَمْرَ فَقَالَ: مَا لَهُ قَاتَلَهُ اللَّهُ، أَلَمْ يَعْلَمْ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: لَعْنَ اللَّهِ الْيَهُودَ، حُرِّمَتْ عَلَيْهِمُ الشُّحُومُ، فَجَمَلُوهَا فَبَاعُوهَا، وَأَكَلُوا أَثْمَانَهَا

[21616] Abū Bakr reported: Ibn Abī Zā’idah reported from Mujālid from Abū al-Waddāk from Abū Sa‘īd who said: We had wine belonging to an orphan under our care. When the verse in Al-Mā’idah was revealed, we asked the Prophet ﷺ, and he said: "Pour it out."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ مُجَالِدٍ، عَنْ أَبِي الْوَدَّاكِ، عَنْ أَبِي سَعِيدٍ، قَالَ: كَانَ عِنْدَنَا حَمْرٌ لِيَتَبَيَّنَ لَنَا، فَلَمَّا نَزَّلَتِ الْآيَةُ الَّتِي فِي الْمَائِدَةِ سَأَلْنَا النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: أَهْرِيقُوهُ

[21617] Abū Bakr reported: Waki‘ reported: Sufyān reported from Maṇṣūr from Abū al-Ḍuhā from Maṣrūq from ‘Ā’ishah who said: When the verses of Riba were revealed, the Messenger of Allah ﷺ stood on the pulpit and recited them to the people, then he forbade trade in wine.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ مَنْصُورٍ، عَنْ أَبِي الضْحَى، عَنْ مَسْرُوقٍ، عَنْ
عَائِشَةَ، قَالَتْ: لَمَّا نَزَّلْتُ آيَةُ الرِّبَا فَأَمَّ رَسُولُ اللَّهِ صَلَّى
اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَى الْمِنْبَرِ فَتَلَاهُنَّ عَلَى النَّاسِ، ثُمَّ حَرَمَ
النَّجَارَةَ فِي الْخَمْرِ

[21618] Abū Bakr reported: Abū Mu‘āwiya reported from Al-A‘mash from Muslim from Maṣrūq from ‘Ā’ishah from the Prophet ﷺ similarly.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعاوِيَةَ، عَنِ الْأَعْمَشِ،
عَنْ مُسْلِمٍ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ، عَنْ النَّبِيِّ صَلَّى
اللَّهُ عَلَيْهِ وَسَلَّمَ بِنْخُوهُ

[21619] Abū Bakr reported: Ibn Idrīs and Waki‘ reported from Tu‘mah ibn ‘Amr from ‘Umar ibn Bayān al-Tagħlibi from ‘Urwah ibn al-Mughīrah ibn Shu‘bah from his father who said: The Messenger of Allah ﷺ said: "Whoever sells wine, let him butcher swine."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، وَوَكِيعٌ عَنْ
طُعْمَةَ بْنِ عَمْرِو، عَنْ عُمَرَ بْنِ بَيَانِ التَّغْلِبِيِّ، عَنْ
عُرْوَةَ بْنِ الْمُغَيْرَةِ بْنِ شُعْبَةَ، عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ
اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ بَاعَ الْخَمْرَ فَلْيَئْسِفْ
الْخَازِيرَ

[21620] Abū Bakr reported: Wakī‘ reported from Muṭī‘ ibn ‘Abdullāh who said: I heard Al-Sha‘bī narrating from Ibn ‘Umar who said: ‘Umar said: "May Allah curse so-and-so, for he was the first to permit the sale of wine. Indeed, trade is not valid in what is not lawful to eat or drink."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مُطِيعِ بْنِ عَبْدِ اللَّهِ، قَالَ: سَمِعْتُ الشَّعْبِيَّ، يُحَدِّثُ عَنْ ابْنِ عُمَرَ، قَالَ: قَالَ عُمَرُ: لَعْنَ اللَّهِ فُلَانًا؛ فَإِنَّهُ أَوَّلُ مَنْ أَذْنَ فِي بَيْعِ الْخَمْرِ، فَإِنَّ التِّجَارَةَ لَا تَصْلُحُ فِيمَا لَا يَحِلُّ أَكْلُهُ وَشُرْبُهُ

[21621] Abū Bakr reported: ‘Alī ibn Mushir reported: Abū Ḥayyān informed us from Abū al-Furāt from Abū Dāwūd who said: I was under the pulpit of Hudhayfah in Al-Madā'in. He praised Allah and extolled Him, then said: "As for what follows, indeed, the seller of wine and its drinker are equal in sin. Indeed, the one who acquires swine and the one who eats it are equal in sin."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، قَالَ: أَخْبَرَنَا أَبُو حَيَّانَ، عَنْ أَبِي الْفَرَاتِ، عَنْ أَبِي ذَاوْدَ، قَالَ: كُنْتُ شَحْنَتَ مِنْبَرِ حُذَيْفَةَ وَهُوَ بِالْمَدَائِنِ، فَحَمِدَ اللَّهَ وَأَشْتَرَ عَلَيْهِ، ثُمَّ قَالَ: أَمَّا بَعْدُ، أَلَا إِنَّ بَائِعَ الْخَمْرِ وَسَارِبَهَا فِي الْإِثْمِ سَوَاءٌ، أَلَا وَمَقْتَنِي الْخَازِيرِ وَآكِلَهَا فِي الْإِثْمِ سَوَاءٌ

[21622] Abū Bakr reported: Waki‘ reported from Ismā‘il ibn Abī Khālid from Al-Ḥārith ibn Shibl from Abū ‘Amr al-Shaybānī who said: It reached ‘Umar ibn al-Khaṭṭāb that a man became wealthy from selling wine. He said: "Break every vessel of his, and drive away every livestock of his."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنِ الْحَارِثِ بْنِ شِبْلٍ، عَنْ أَبِي عَمْرِو الشَّيْبَانِيِّ، قَالَ: بَلَغَ عُمُرُ بْنِ الْخَطَّابِ أَنَّ رَجُلًا أُتْرَى مِنْ بَيْعِ الْخَمْرِ، فَقَالَ: أَكْسِرُوا كُلَّ آتِيَةٍ لَهُ، وَسَيِّرُوا كُلَّ مَاشِيَةٍ لَهُ

[21623] Abū Bakr reported: Mis‘ar reported from Wabarah ibn ‘Abd al-Rahmān who said: I heard my father ‘Abd al-Rahmān say: "Selling wine is not valid, nor is drinking it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مِسْعَرٌ، عَنْ وَبَرَةَ بْنِ عَبْدِ الرَّحْمَنِ، قَالَ: سَمِعْتُ أَبِي عَبْدِ الرَّحْمَنِ، يَقُولُ: لَا يَصْلُحُ بَيْعُ الْخَمْرِ وَلَا شُرْبُهَا

[21624] Abū Bakr reported: ‘Abbād ibn al-‘Awwām reported from Huṣayn from Bakr ibn ‘Abdullāh who said: When wine was prohibited, they came to the Prophet ﷺ and said: "O Messenger of Allah, can we sell it and benefit from its price?" He said: "Pour it out."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ حُصَيْنٍ، عَنْ بَكْرٍ بْنِ عَبْدِ اللَّهِ، قَالَ: لَمَّا حُرِّمَتِ الْخَمْرُ أَتَوْا إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالُوا: يَا رَسُولَ اللَّهِ، أَنْبِيَعُهَا فَنَنْتَفُ بِأَنْمَانِهَا، قَالَ: أَهْرِيْفُهَا

[21625] Abū Bakr reported: Waki‘ reported: ‘Abd al-‘Azīz ibn ‘Umar reported from ‘Abd al-Rahmān ibn ‘Abdullāh al-Ghāfiqī and Abū Tu‘mah, their Mawla, who heard Ibn ‘Umar say: The Messenger of Allah ﷺ said: "Wine is cursed in ten ways: Wine itself is cursed, the one who presses it, the one for whom it is pressed, its seller, its buyer, its carrier, the one to whom it is carried, the one who consumes its price, its drinker, and

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْعَزِيزَ بْنَ عُمَرَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَبْدِ اللَّهِ الْغَافِقِيِّ، وَأَبِي طَعْمَةَ مُؤْلَاهُمْ، سَمِعَا ابْنَ عُمَرَ يَقُولُ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لِعْنَتُ الْخَمْرِ عَلَى عَشَرَةِ وُجُوهٍ: لِعْنَتُ الْخَمْرِ بِعِينِهَا، وَعَاصِرِهَا، وَمُعْتَصِرِهَا، وَبَائِعِهَا، وَمُبْتَاعِهَا، وَحَامِلِهَا، وَالْمَحْمُولَةِ إِلَيْهَا، وَأَكِلَّ ثُمَنِهَا، وَشَارِبِهَا، وَسَاقِهَا

[21626] Abū Bakr reported: Ismā‘il ibn Abī Khālid reported from ‘Imrān ibn Abī al-Ja‘d from Ibn ‘Umar who said: I heard him say: "Selling wine is not valid, nor is drinking it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ أَبِي خَالِدٍ، عَنْ عَمْرَانَ بْنِ أَبِي الْجَعْدِ، عَنْ ابْنِ عُمَرَ، قَالَ: سَمِعْتُه يَقُولُ: لَا يَصْلُحُ بَيْعُ الْخَمْرِ، وَلَا شُرْبُهَا

[21627] Abū Bakr reported: Abū Usāmah reported from ‘Abd al-Ḥamīd ibn Ja‘far from Yazīd ibn Abī Ḥabīb from ‘Atā‘ from Jābir from the Prophet ﷺ: "He forbade on the Day of Conquest the sale of wine and idols."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ عَبْدِ الْحَمِيدِ بْنِ جَعْفَرٍ، عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ عَطَاءٍ، عَنْ جَابِرٍ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: نَهَى يَوْمَ الْفَتحِ عَنْ بَيْعِ الْخَمْرِ وَالْأَسْنَامِ

[21628] Abū Bakr reported: Muḥammad ibn Fuḍayl reported from Juhaym who said: A man asked ‘Atā’: "I inherited a vineyard." He said: "Sell it as grapes." He said: "If I don't find anyone to buy it?" He said: "Sell it as juice." He said: "If I don't find anyone to buy it?" He said: "Do not sell wine, for selling wine is not lawful."

[21629] Abū Bakr reported: Abū Bakr ibn ‘Ayyāsh reported from ‘Abd al-‘Azīz ibn Rufay‘ who said: My father told me: I found ten dinars, so I went to Ibn ‘Abbās and asked him about it. He said: "Announce it at the Stone for a year. If it is not recognized, give it in charity. If its owner comes, give him the choice between the reward or compensation."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ فُضَيْلٍ، عَنْ جُهْيَمِ
قَالَ: سَأَلَ رَجُلٌ عَطَاءَ قَالَ: وَرَثَتُ عَرْشًا، قَالَ: بِعِهْ
عِنْبًا قَالَ: فَإِنْ لَمْ أَجِدْ أَحَدًا يَشْتَرِيهِ؟ قَالَ: فَبِعْهُ
عَصِيرًا، قَالَ: فَإِنْ لَمْ أَجِدْ أَحَدًا يَشْتَرِيهِ؟ قَالَ: فَلَا تَبْعِ
الْخَمْرَ، فَإِنَّهُ لَا يَجْلُ بَيْعُ الْخَمْرِ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو بَكْرٌ بْنُ عَيَّاشٍ، عَنْ عَبْدِ
الْعَزِيزِ بْنِ رُقَيْبٍ، قَالَ: حَدَّثَنِي أَبِي، قَالَ: وَجَدْتُ عَشْرَةَ
دَنَانِيرَ، فَأَتَيْتُ ابْنَ عَبَّاسٍ فَسَأَلْتُهُ عَنْهَا، فَقَالَ: عَرْفُهَا
عَلَى الْحَجَرِ سَنَةً، فَإِنْ لَمْ تُعْرَفْ فَتَصَدَّقْ بِهَا فَإِنْ جَاءَ
صَاحِبُهَا فَخَيْرُ الْأَجْرِ أَوِ الْغُرْمُ

[21630] Abū Bakr reported: Sharīk reported from ‘Āmir ibn Shaqīq from Abū Wā'il who said: ‘Abdullāh bought a slave girl for seven hundred dirhams, but her owner disappeared. He announced her for a year (or he said: Hawl). Then he went out to the mosque and began giving charity, saying: "O Allah, for him; if he refuses, then upon me and for me." Then he said: "Do this with lost property or stray animals."

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا شَرِيكُ، عَنْ عَامِرِ بْنِ شَقِيقٍ، عَنْ أَبِي وَائِلٍ، قَالَ: اسْتَرَى عَبْدُ اللَّهِ جَارِيَهُ بِسَبْعِ مَائَةٍ دِرْهَمٍ، فَعَابَ صَاحِبُهَا، فَأَنْشَدَهَا حَوْلًا، أَوْ قَالَ: سَنَةً، ثُمَّ خَرَجَ إِلَى الْمَسْجِدِ فَجَعَلَ يَتَصَدَّقُ، وَيَقُولُ: "اللَّهُمَّ فَإِنْ أَبْنَى فَعَلَيَّ وَإِلَيَّ، ثُمَّ قَالَ: هَذَا أَفْعُلُوا بِالْقَطْطَةِ أَوْ بِالضَّالَّةِ

[21631] Abū Bakr reported: Ibn Abī Zā'idah reported from Muḥammad ibn Ishāq from ‘Amr ibn Shu‘ayb from his father from his grandfather who said: I heard a man from Muzaynah asking the Prophet ﷺ: "What about lost property we find on a frequented path?" He said: "Announce it for a year. If its owner comes, [give it to him]; otherwise, it is yours."

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ عَمْرُو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، قَالَ: سَمِعْتُ رَجُلًا، مِنْ مُرَبِّيَّنَا يَسْأَلُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: مَا تَجِدُ فِي السَّبِيلِ الْعَامِرَةِ مِنَ الْقُطْطَةِ؟ فَقَالَ: عَرَفْهَا حَوْلًا، فَإِنْ جَاءَ صَاحِبُهَا وَإِلَّا فَهُوَ لَكَ

[21632] Abū Bakr reported: Zayd ibn Ḥubāb reported from ‘Abd al-Rahmān ibn Shurayḥ from Abū Qabil from ‘Abdullāh ibn ‘Amr that a man said: "I picked up a dinar." He said: "None harbors a stray except one who goes astray." The man reached to throw it away. He said: "Do not do that." He asked: "What should I do with it?" He said: "Announce it. If its owner comes, return it to him; otherwise, give it in charity."

[21633] Abū Bakr reported: Wakī‘ reported: Mas‘ūd and Sufyān reported from Ḥabīb ibn Abī Thābit who said: Ibn ‘Umar was asked about lost property. He said: "Hand it over to the leader (Amīr)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ شُرَيْحٍ، قَالَ: حَدَّثَنِي أَبُو قَبِيلٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو، أَنَّ رَجُلًا قَالَ: النَّقْطُتُ دِينَارًا، فَقَالَ: لَا يَأْلُوي الصَّالَةَ إِلَّا ضَالٌّ، قَالَ: فَأَهْوَى بِهِ الرَّجُلُ لِيَرْمِيَ بِهِ، فَقَالَ: لَا تَفْعَلْ، قَالَ: فَمَا أَصْنَعُ بِهِ؟ قَالَ: تُعْرَفُ، فَإِنْ جَاءَ صَاحِبُهُ، فَرُدَّهُ إِلَيْهِ، وَإِلَّا فَقَصَدَنِيهِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا مَسْعُودٌ، وَسُفْيَانُ، عَنْ حَبِيبِ بْنِ أَبِي ثَبِيتٍ، قَالَ: سُلِّمَ أَبْنُ عَمَرَ عَنِ الْلُّقْطَةِ، فَقَالَ: ادْفَعْهَا إِلَى الْأَمِيرِ

[21634] Abū Bakr reported: Waki‘ reported: Sufyān reported from Abū Ishaq from Abū al-Safar from a man of Banū Ru’ās who said: I picked up three hundred dirhams and announced it weakly, being needy at the time. I consumed it when I found no one claiming it. Then I became well-off and asked ‘Alī. He said: "Announce it for a year. If its owner comes, pay it to him; otherwise, give it in charity. Or give him the choice between the reward and compensation."

[21635] Abū Bakr reported: Waki‘ reported: Yūnus reported from Abū Ishaq who said: I heard this hadith from Abū al-Safar from a man of Banū Ru’ās from ‘Alī similarly, except he did not say: "Announce it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي السَّفَرِ، عَنْ رَجُلٍ، مِنْ بَنِي
رُؤَاسٍ، قَالَ: النَّقْطُ تَلَامِيَةٌ دِرْهَمٌ، فَعَرَفَتُهَا تَعْرِيفًا
ضَعِيفًا، وَأَنَا يَوْمَئِذٍ مُحْتَاجٌ، فَأَكْلَثُهَا حِينَ لَمْ أَجِدْ أَحَدًا
يَعْرِفُهَا، ثُمَّ أَيْسَرْتُ فَسَأَلْتُ عَلَيًّا، فَقَالَ: عَرَفْتُهَا سَنَةً،
فَإِنْ جَاءَ صَاحِبُهَا، فَانْفَعْهَا إِلَيْهِ، وَإِلَّا فَنَصَدَقَ بِهَا، وَإِلَّا
فَخَيْرٌ بَيْنَ الْأَجْرِ وَبَيْنَ أَنْ تَغْرِمَهَا لَهُ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا يُونُسُ،
عَنْ أَبِي إِسْحَاقَ، قَالَ: سَمِعْتُ هَذَا الْحَدِيثَ مِنْ أَبِي
السَّفَرِ عَنْ رَجُلٍ مِنْ بَنِي رُؤَاسٍ، عَنْ عَلَيٍّ، مِثْلُهُ، إِلَّا
أَنَّهُ لَمْ يَقُلْ: عَرَفْهَا

[21636] Abū Bakr reported: Waki‘ reported: Sufyān reported from Ibrāhīm ibn ‘Abd al-A‘lā from Suwayd who said: ‘Umar ibn al-Khaṭṭāb used to order that lost property be announced for a year. If its owner came, [it was returned]; otherwise, it was given in charity. If its owner came later, he was given the choice.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ الْأَعْلَى، عَنْ سُوَيْدٍ، قَالَ: كَانَ
عُمَرُ بْنُ الْخَطَّابِ يَأْمُرُ أَنْ تُعَرَّفَ الْلُّقْطَةُ سَنَةً، فَإِنْ جَاءَ
صَاحِبُهَا وَإِلَّا نُصْدِقُ بِهَا، فَإِنْ جَاءَ صَاحِبُهَا خَيْرٌ

[21637] Abū Bakr reported: Wakī‘ reported: Al-Aswad ibn Shaybān reported from Abū Nawfal ibn Abī ‘Aqrab from his father who said: I picked up a cloak and brought it to ‘Umar ibn al-Khaṭṭāb. I said: "O Commander of the Faithful, relieve me of it." He said: "Take it to the season (Hajj)." I took it to the season. He said: "Announce it for a year." I announced it but found no one who recognized it. I came to him and said: "Relieve me of it." He said: "Shall I not tell you the best way for it? Give it in charity. If its owner comes and chooses the value, compensate him, and the reward is yours. If he chooses the reward, the reward is his, and you have what you intended."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْأَسْوَدُ بْنُ شَيْبَانَ، عَنْ أَبِي نَوْفَلِ بْنِ أَبِي عَقْرَبٍ، عَنْ أَبِيهِ، قَالَ: التَّقْطُتُ بُرْدَةً، فَأَتَيْتُ بِهَا عُمَرَ بْنَ الْخَطَّابِ فَقُلْتُ: يَا أَمِيرَ الْمُؤْمِنِينَ أَغْنِنِهَا عَنِّي، فَقَالَ: وَافِ بِهَا الْمَوْسِمَ، فَوَافَيْتُ بِهَا الْمَوْسِمَ، فَقَالَ: عَرَفْتُهَا حُولًا، فَعَرَفَهَا، فَأَمْ أَجَدْ أَحَدًا يَعْرُفُهَا، فَأَتَيْتُهُ فَقُلْتُ: فَأَغْنِنِهَا عَنِّي، فَقَالَ: أَلَا أُخْبِرُكَ بِخَيْرِ سُبْلِهَا؟ تَصَدَّقْ بِهَا، فَإِنْ جَاءَ صَاحِبُهَا، فَأَخْتَارُ الْمَالَ غَرِّمْتُ لَهُ، وَكَانَ الْأَجْرُ لَكَ، وَإِنْ أَخْتَارَ الْأَجْرَ كَانَ الْأَجْرُ لَهُ، وَلَكَ مَا نَوَيْتَ

[21638] Abū Bakr reported: Ibn Abī Zā'īdah reported from Zakariyyā from Al-Sha'bī who said: "Lost property is announced for a year. If you do not find a claimant, give it to a poor Muslim household. Say to them: 'This is a loan from its owner upon you. If he comes, he has more right to it; if he does not come, it is upon you from him.'"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ زَكَرِيَّاً،
عَنِ الشَّعْبِيِّ، قَالَ: تُعَرَّفُ الْقُطْنَةُ سَنَةً، فَإِنْ لَمْ تَجِدْ لَهَا
طَالِبًا، فَأَعْطِهَا أَهْلَ بَيْتٍ مِنَ الْمُسْلِمِينَ فُقْرَاءَ، فَلْ لَهُمْ
هَذِهِ قَرْضٌ مِنْ صَاحِبِهَا عَلَيْكُمْ، فَإِنْ جَاءَ فَهُوَ أَحَقُّ بِهَا
وَإِنْ لَمْ يَجِدْ فَهُوَ عَلَيْكُمْ مِنْهُ

[21639] Abū Bakr reported: Wakī' reported: Sufyān reported from Salamah ibn Kuhayl from Suwayd ibn Ghafalah who said: I went out with Zayd ibn Shūhān and Salmān ibn Rabī'ah. When we were at Al-'Udhayb, I picked up a whip. They said to me: "Drop it." I refused. When I came to Medina, I went to Ubayy ibn Ka'b and asked him. He said: "I picked up a hundred dinars during the time of the Prophet ﷺ and mentioned it to him. He said: 'Announce it for a year. If its owner comes, give it to him; otherwise, know its number, container, and strap, then it becomes like your own property.'"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ سَلَمَةَ بْنِ كُهْلِنِ، عَنْ سُوَيْدِ بْنِ عَفْلَةَ، قَالَ: حَرَجْتُ
أَنَا وَرَزِيدُ بْنُ صُوْحَانَ، وَسَلْمَانُ بْنُ رَبِيعَةَ، حَتَّى إِذَا كُنَّا
بِالْعُدَيْبِ الْقَطْنَةُ سَوْطًا، فَقَالَ لِي: أَلَقِهِ، فَأَبَيَتُ، فَلَمَّا
أَتَيْتُ الْمَدِينَةَ أَتَيْتُ أَبِي بْنَ كَعْبٍ فَسَأَلْتُهُ، فَقَالَ: الْقَطْنَةُ
مِائَةَ دِينَارٍ عَلَى عَهْدِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ،
فَذَكَرْتُ ذَلِكَ لَهُ، فَقَالَ: عَرَفْهَا سَنَةً، فَإِنْ جَاءَ صَاحِبُهَا
فَادْفَعْهَا إِلَيْهِ، وَإِلَّا فَاعْرُفْ عَدَدَهَا وَوِعَاءَهَا وَوِكَاءَهَا،
ثُمَّ يَكُونُ كَسِيلٌ مَالِكٌ

[21640] Abū Bakr reported: Yahyā ibn Sa‘īd al-Qatṭān reported from ‘Abd al-Rahmān ibn Ḥarmalah who said: I asked Sa‘īd ibn al-Musayyib about lost property. He said: "Announce it for a year, proclaim its mention. If someone comes who recognizes it, give it to him; otherwise, give it in charity. If he comes, give him the choice between the reward and the lost property."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدِ الْقَطَانِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ حَرْمَلَةَ، قَالَ: سَأَلْتُ سَعِيدَ بْنَ الْمُسَيَّبَ عَنِ الْلُّقْطَةِ، فَقَالَ: عَرَفْهَا سَنَةً، فَأَنْشَدْتُ ذِكْرَهَا، فَإِنْ جَاءَ مَنْ يَعْرِفُهَا فَأَعْطِهَا إِيمَانًا، وَإِلَّا فَتَصَدَّقُ بِهَا، فَإِنْ جَاءَ فَخِيرٌ بَيْنَ الْأَجْرِ وَالْلُّقْطَةِ

[21641] Abū Bakr reported: Ibn ‘Ulayyah reported from Ayyūb from Nāfi‘ from Ibn ‘Umar regarding lost property: "Announce it. I do not order you to consume it; if you wished, you wouldn't have taken it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ أَيُوبَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، قَالَ فِي الْلُّقْطَةِ: عَرَفْهَا، لَا أَمْرُكَ أَنْ تَأْكُلَهَا، لَوْ شِئْتَ لَمْ تَأْخُذْهَا

[21642] Abū Bakr reported: ‘Abd al-Wahhāb al-Thaqafī reported from Khālid from Abū al-‘Alā’ from Muṭarrif from ‘Iyād ibn Ḥimār who said: The Prophet ﷺ said:

"Whoever finds lost property, let him call a just person or just persons to witness, then not alter it or conceal it. If its owner comes, he has more right to it; otherwise, it is Allah's wealth which He gives to whom He wills."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ التَّقْفِيُّ، عَنْ خَالِدٍ، عَنْ أَبِي الْعَلَاءِ، عَنْ مُطَرْفٍ، عَنْ عِياضِ بْنِ حِمَارٍ، قَالَ: قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ وَجَدَ لِقَطْلَةً فَلْيُشْهِدْ ذَاهِدًا عَذْلًا أَوْ ذَوِي عَدْلٍ، ثُمَّ لَا يُغَيِّرُهُ وَلَا يُكْثِرُهُ، فَإِنْ جَاءَ رَبُّهَا فَهُوَ أَحَقُّ بِهَا، وَإِلَّا فَهُوَ مَالُ اللَّهِ يُؤْتِيهِ مَنْ يَشَاءُ

[21643] Abū Bakr reported: Waki‘ reported: Sufyān reported from Rabī‘ah ibn Abī ‘Abd al-Rahmān from Yazid, the mawla of Al-Munba‘ith, from Zayd ibn Khālid al-Juhāni who said: The Messenger of Allah ﷺ was asked about lost property. He said: "Announce it for a year. If its owner comes, [give it]; otherwise, spend it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ يَزِيدَ، مَوْلَى الْمُنْبَعِثِ، عَنْ رَبِيعَةَ بْنِ خَالِدِ الْجُهَنِيِّ قَالَ: سُلِّ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الْلِقَاطَةِ قَالَ: عَرَفْهَا سَنَةً، فَإِنْ جَاءَ صَاحْبُهَا، وَإِلَّا فَاسْتَنْفِقْهَا

[21644] Abū Bakr reported: Waki‘ reported from Ṭalḥah ibn Yaḥyā from ‘Abdullāh, a mawla of the family of Ṭalḥah ibn ‘Ubaydullāh, who said: A man asked Umm Salamah, the wife of the Prophet ﷺ, saying to her: "A man finds a whip?" She said: "There is no harm in it; the Muslim extends his hand with it." He said: "And a shoe?" She said: "And a shoe?" He said: "And a container?" She said: "I do not make lawful what Allah has forbidden; the container contains provision."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ طَلْحَةَ بْنِ يَحْيَى، عَنْ عَبْدِ اللَّهِ، هُوَ مَوْلَى لَآلِ طَلْحَةَ بْنِ عُبَيْدِ اللَّهِ قَالَ: سَأَلَ رَجُلٌ أُمَّ سَلَمَةَ رَوْجَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ لَهَا: الرَّجُلُ يَجِدُ سَوْطًا؟ فَقَالَتْ: لَا بَأْسَ بِهِ، يَصِلُّ إِلَيْهِ الْمُسْلِمُ يَدَهُ قَالَ: وَالْحِدَاءُ؟ قَالَتْ: وَالْحِدَاءُ؟ قَالَ: وَالْوَعَاءُ، قَالَتْ: لَا أَجِلُّ مَا حَرَمَ اللَّهُ، الْوَعَاءُ يَكُونُ فِيهِ النَّفَقَةُ

[21645] Abū Bakr reported: Waki‘ reported: Sufyān reported from Maṇṣūr from Ṭalḥah ibn Muṣarrif from Ibn ‘Umar that he found a date and ate it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ مَنْصُورٍ، عَنْ طَلْحَةَ بْنِ مُصَرْرِفٍ، عَنْ ابْنِ عُمَرَ أَنَّهُ وَجَدَ تَمْرًا فَأَكَلَهَا

[21646] Abū Bakr reported: Waki‘ reported from Sufyān from Maṇṣūr from Ibrāhīm who said: "They used to grant concession regarding lost items like straps, staffs, and whips."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: كَانُوا يُرْخَصُونَ مِنَ الْلُّقْطَةِ فِي السَّيْرِ، وَالْعِصَيِّ وَالسَّوْطِ

[21647] Abū Bakr reported: Waki‘ reported: Rabī‘ah ibn ‘Uqbah al-Kinānī reported: I heard ‘Atā’ say: "There is no harm in picking up a strap, a staff, or a whip."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا رَبِيعَةُ بْنُ عُفَيْبَةَ الْكِنَانِيُّ، قَالَ: سَمِعْتُ عَطَاءً، قَالَ: لَا يَأْسَ أَنْ يُلْقِطَ السَّيْرَ وَالْعِصَيَّ وَالسَّوْطَ

[21648] Abū Bakr reported: Waki‘ reported: Sufyān reported from Abū Qays al-Awdī from Abū Bishr that he granted concession regarding lost property amounting to about five dirhams.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ قَالَ: حَدَّثَنَا سُفيَانُ، عَنْ أَبِي قَيْسِ الْأَوْدِيِّ، عَنْ أَبِي بِشْرٍ أَنَّهُ رَخَّصَ فِي الْلُّقْطَةِ تَحْوِا مِنْ خَمْسَةِ دَرَاهِمَ

[21649] Abū Bakr reported: ‘Abd al-A‘lā reported from Hishām from Al-Hasan who said: "If he is in need of it, let him eat it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، قَالَ: إِذَا كَانَ إِلَيْهَا مُحْتَاجًا فَلْيُأْكِلْهَا

[21650] Abū Bakr reported: Waki‘ reported: Isrā’il reported from Jābir from ‘Abd al-Rahmān ibn al-Aswad from ‘Ā’ishah that she granted concession regarding lost property amounting to a dirham.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ قَالَ: حَدَّثَنَا إِسْرَائِيلُ، عَنْ جَابِرٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْأَسْوَدِ، عَنْ عَائِشَةَ أَنَّهَا رَخَّصَتْ فِي الْلُّقْطَةِ فِي دِرْهَمٍ

[21651] Abū Bakr reported: Waki‘ reported: Sufyān reported from ‘Ubayd al-Mukattib from Abū Razīn who said: "If I found it and I was in need of it, I would have eaten it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ عُيَيْدِ الْمُكَتَّبِ، عَنْ أَبِي رَزِينَ، قَالَ: لَوْ وَجَدْنَاهَا
وَأَنَا مُحْتَاجٌ إِلَيْهَا لَأَكُلُّهَا

[21652] Abū Bakr reported: Waki‘ reported from Sufyān from Mūsā ibn Abī ‘A’ishah from a man from Maymūnah that she found a date and ate it, saying: "Allah does not love corruption (waste)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ
مُوسَى بْنِ أَبِي عَائِشَةَ، عَنْ رَجُلٍ، عَنْ مَيْمُونَةَ، أَنَّهَا
وَجَدَتْ ثَمْرَةً فَأَكَلَّهَا وَقَالَتْ: لَا يُحِبُّ اللَّهُ الْفَسَادَ

[21653] Abū Bakr reported: Waki‘ reported from Mis‘ar from a sheikh who heard him say: "I saw Ibn ‘Umar find a date, wipe it, and then hand it to a needy person."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مِسْعَرٍ، عَنْ
شَيْخٍ، سَمِعَهُ قَالَ: رَأَيْتُ ابْنَ عُمَرَ وَجَدَ ثَمْرَةً فَمَسَحَهَا،
لَمْ تَأْوِهَا مِسْكِينًا

[21654] Abū Bakr reported: ‘Abd al-Rahmān ibn Mahdī reported from ‘Uqbah ibn ‘Ubaydullāh who said: Maysarah ibn ‘Amīrah told me that he met Abū Hurayrah and said: "What do you say about lost property like a rope, a rein, and the like?" He said: "Announce it. If you find its owner, return it to him; otherwise, make use of it."

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيًّا، عَنْ عُقْبَةَ بْنِ عُبَيْدِ اللَّهِ، قَالَ: حَدَّثَنِي مَيْسِرٌ بْنُ عَمِيرَةَ، أَنَّهُ لَقِيَ أَبَا هُرَيْرَةَ، فَقَالَ: مَا تَقُولُ فِي الْلُّقْطَةِ؟: الْحَبْلُ وَالزَّمَامُ وَتَحْوُّ هَذَا، قَالَ: تُعْرَفُهُ، فَإِنْ وَجَدْتَ صَاحِبَهُ رَدَدْتَهُ عَلَيْهِ، وَإِلَّا اسْتَمْعَتْ بِهِ

[21655] Abū Bakr reported: ‘Abd al-‘A’lā reported from Hishām from Al-Hasan: "If he is in need of it, he eats it."

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، عَنِ الْحَسَنِ: إِذَا كَانَ إِلَيْهَا مُحْتَاجًا يَأْكُلُهَا

[21656] Abū Bakr reported: Wakī‘ reported from Salamah ibn Wardān who said: I asked Sālim ibn ‘Abdullāh about a stray camel. He said: "It has its water container and its shoes. Leave it alone unless you know its owner and return it to him." He said: And I asked him about a stray sheep. He said: "Announce it. If its owner comes, [give it to him]; otherwise, it is for you, or your brother, or the wolf."

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سَلَمَةُ بْنُ وَرْدَانَ، قَالَ: سَأَلْتُ سَالِمَ بْنَ عَبْدِ اللَّهِ، عَنْ ضَالَّةِ الْأَبَلِ، فَقَالَ: مَعَهَا سِقَاؤُهَا وَجَذَوْهَا، دَعْهَا إِلَّا أَنْ تَعْرِفَ صَاحِبَهَا فَنَذْفَعُهَا إِلَيْهِ، قَالَ: وَسَأَلْتُهُ عَنْ ضَالَّةِ الْغَنَمِ، فَقَالَ: عَرَفْهَا، فَإِنْ جَاءَ صَاحِبُهَا، وَإِلَّا فَهُوَ لَكَ أَوْ لِأَخِيكَ أَوْ لِذَنْبِكَ

[21657] Abū Bakr reported: Waki‘ reported from Hishām ibn Sa‘d from ‘Amr ibn Shu‘ayb from his father from his grandfather that a man asked the Prophet ﷺ about a stray sheep. He said: "It is for you, or your brother, or the wolf." He asked him about a stray camel. He said: "What do you want with it? It has its water container and its shoes; it eats vegetation and comes to water."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا هِشَامُ بْنُ سَعْدٍ، عَنْ عَمْرٍو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، أَنَّ رَجُلًا سَأَلَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ ضَالَّةِ الْغَنَمِ، فَقَالَ: لَكِ، أَوْ لِأَخِيكَ، أَوْ لِذَنْبِكَ وَسَأَلَهُ عَنْ ضَالَّةِ الْإِبْلِ، فَقَالَ: مَا تُرِيدُ إِلَيْهَا؟ مَعَهَا سِقَافُهَا وَجَذَوْهَا، ثَكْلُ الْمَرْعَى وَتَرْدُ الْمَاءِ

[21658] Abū Bakr reported: Abū al-Aḥwāṣ reported from Abū Iṣhāq from Al-Āliyah who said: I was sitting with ‘A’ishah when a woman came to her and said: "O Mother of the Believers, I found a stray sheep. What do you order me to do?" She said: "Announce it, milk it, and feed it." Then she returned and asked her again. ‘A’ishah said: "Do you want me to order you to slaughter it or sell it? You do not have the right to do that."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ أَبِي إِسْحَاقَ، عَنِ الْعَالِيَّةِ، قَالَ: كُنْتُ جَالِسًا عِنْدَ عَائِشَةَ فَأَتَتْهَا امْرَأَةٌ، فَقَالَتْ: يَا أُمَّ الْمُؤْمِنِينَ، إِنِّي وَجَدْتُ شَاءَ ضَالَّةً، فَكَيْفَ تَأْمُرُنِي أَنْ أَصْنَعَ؟ فَقَالَتْ: عَرْفِي، وَاحْلِي وَاعْلِفِي ثُمَّ عَادْتُ فَسَأَلَتْهَا، فَقَالَتْ عَائِشَةُ: تَأْمُرِينِي أَنْ أَمْرَكِ أَنْ تَدْبِحِيهَا أَوْ تَبْيَعِيهَا، فَلَيْسَ لَكِ ذَلِكَ

[21659] Abū Bakr reported: Sharīk reported from Zuhayr ibn Abī Thābit from Salmā—and I think she is the daughter of Ka'b—who said: I found a ring on the road to Mecca and asked ‘Ā’ishah. She said: "Enjoy (use) it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ زُهَيْرِ بْنِ أَبِي تَابِيتٍ، عَنْ سَلْمَى، وَلَا أَرَاهَا إِلَّا ابْنَةً كَعْبٍ، قَالَتْ: وَجَدْتُ حَائِمًا فِي طَرِيقٍ مَكَّةَ فَسَأَلْتُ عَائِشَةَ، فَقَالَتْ: تَمَتَّعِي بِهِ

[21660] Abū Bakr reported: Abū al-Āḥwaṣ reported from Zayd ibn Jubayr who said: I was sitting with Ibn ‘Umar when a man came to him and said: "I found a stray animal." He said: "Treat it well and announce it." He asked: "Is there anything upon me if I drink from its milk?" Ibn ‘Umar said: "I do not see anything upon you in that."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ زَيْدِ بْنِ جُبَيْرٍ، قَالَ: كُنْتُ قَاعِدًا عِنْدَ ابْنِ عُمَرَ فَأَتَاهُ رَجُلٌ قَالَ: ضَالَّةٌ وَجَدْتُهَا؟ فَقَالَ: أَصْلَحْ إِلَيْهَا، وَأَنْشِدْ، قَالَ: فَهَلْ عَلَيِّ إِنْ شَرِبْتُ مِنْ لَبَنِهَا؟ قَالَ ابْنُ عُمَرَ: مَا أَرَى عَلَيْكَ فِي ذَلِكَ

[21661] Abū Bakr reported: Ḥātim ibn Wardān reported from Ayyūb from ‘Aṭā’ who said: "Permission was granted to the traveler to pick up a whip, a staff, and sandals."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَاتِمُ بْنُ وَرْدَانَ، عَنْ أَيُوبَ، عَنْ عَطَاءٍ، قَالَ: رَخْصَ لِلْمُسَافِرِ أَنْ يَلْتَقِطِ السَّوْطَ وَالْعِصِيَّ وَالنَّعْنَيْنَ

[21662] Abū Bakr reported: Ḥātim ibn Wardān reported from Ayyūb from ‘Atā’; and Abū Khālid al-Āḥmar reported from Yaḥyā ibn Sa‘īd from Mu‘awiyah ibn ‘Abdullāh ibn Badr from his father who said: I found eighty dinars during the time of ‘Umar ibn al-Khaṭṭāb. I brought them to ‘Umar, and he said: "Announce it for a year." I said: "If it is not recognized?" He said: "Then make use of it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَاتِمُ بْنُ وَرْدَانَ، عَنْ أَيُوبَ،
عَنْ عَطَاءٍ، وَأَبُو خَالِدِ الْأَحْمَرِ، عَنْ يَحْيَى بْنِ سَعِيدٍ،
عَنْ مُعَاوِيَةَ بْنِ عَبْدِ اللَّهِ بْنِ بَدْرٍ، عَنْ أَبِيهِ، قَالَ: وَجَدْتُ
ئَمَانِيْنِ دِينَارًا فِي عَهْدِ عُمَرَ بْنِ الْخَطَّابِ، فَأَتَيْتُ بِهَا
عُمَرَ، فَقَالَ: عَرَفْتُهَا سَنَةً، فَلُمْتُ: فَإِنْ لَمْ تُعْرَفْ؟ قَالَ:
فَلَاسْتَمْتَعْ بِهَا

[21663] Abū Bakr reported: Jarīr reported from Qābūs from his father from Ibn ‘Abbās who said: "Do not lift it from the ground; you have nothing to do with it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ قَابُوسٍ، عَنْ
أَبِيهِ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: لَا تَرْفَعْهَا مِنَ الْأَرْضِ،
فَلَسْتَ مِنْهَا فِي شَيْءٍ

[21664] Abū Bakr reported: Mu‘tamir ibn Sulaymān reported from his father that Mujāhid and Ibn ‘Umar were circumambulating the House (Ka‘bah) and found a small box containing jewelry, but they did not touch it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ أَبِيهِ،
أَنَّ مُجَاهِدًا، وَابْنَ عُمَرَ كَانَا يَطْوِفَانِ بِالْبَيْتِ فَوَجَدَا حُفَّةً
فِيهَا جَوْهَرًا، فَلَمْ يَعْرِضَا لَهُ

[21665] Abū Bakr reported: ‘Abd al-Rahmān ibn Mahdī reported from Sufyān from the concubine of Al-Rabī‘ ibn Khuthaym from Al-Rabī‘ that he disliked picking up lost property.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ، عَنْ سُفِينَ، عَنْ سُرِّيَّةِ الرَّبِيعِ بْنِ خُثَيْمٍ، عَنْ الرَّبِيعِ، أَنَّهُ كَرِهَ أَخْذَ الْلُقْطَةِ

[21666] Abū Bakr reported: Ḥarāmī ibn ‘Umārah reported from Abū ‘Utbah al-Dahhān who said: I asked Jābir ibn Zayd about lost property, picking it up from the road. He disliked it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَرَامِيُّ بْنُ عُمَارَةَ، عَنْ أَبِي عُثْبَةَ الدَّهَانِ، قَالَ: سَأَلْتُ جَابِرَ بْنَ زَيْدٍ: عَنِ الْلُقْطَةِ أَخْذُهَا مِنَ الطَّرِيقِ، فَكَرِهَهَا

[21667] Abū Bakr reported: Sufyān reported from Maṇṣūr from Ibrāhīm –or Tamīm ibn Salamah (Maṇṣūr doubted)–who said: "Shurayḥ used to pass by a dinar and not touch it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا سُفِينَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، أَوْ ثَمَيْمَ بْنِ سَلَمَةَ - شَكَّ مَنْصُورُ - قَالَ: كَانَ شُرَيْحٌ يَمْرُ بِالدِّينَارِ فَلَا يَتَعَرَّضُ لَهُ

[21668] Abū Bakr reported: Al-Dahhāk ibn Yasār reported from Abū Shāliḥ from Abū Hurayrah that he saw a dinar lying discarded, its sixth part. He nudged it until he brought it close to the Imām's place, then left it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ يَسَارٍ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ، أَنَّهُ رَأَى دِينَارًا مَطْرُوحاً سُدُسُهُ، فَرَسَلَهُ حَتَّىٰ أَتَىٰ بِهِ قَرِيبًا مِنْ مَكَانِ الْإِمَامِ فَتَرَكَهُ

[21669] Abū Bakr reported: Wakī‘ reported: Wāqid ibn ‘Abdullāh reported: I was with ‘Aṭā’ ibn Abī Rabāḥ when a man asked him: "Is leaving lost property better or taking it?" He said: "No, rather leaving it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا وَافِدُ بْنُ عَبْدِ اللَّهِ، قَالَ: كُنْتُ عِنْدَ عَطَاءً بْنَ أَبِي رَبَاحٍ فَسَأَلَهُ رَجُلٌ: تَرُكُ الْلُّقْطَةِ خَيْرٌ أَمْ أَخْدُهَا؟ قَالَ: لَا، بَلْ تَرْكُهَا

[21670] Abū Bakr reported: Wakī‘ reported from Sufyān from ‘Abdullāh ibn Dīnār who said: I said to Ibn ‘Umar: "I found lost property." He said: "Why did you take it?"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، قَالَ: قُلْتُ لِابْنِ عُمَرَ: وَجَدْتُ لُقْطَةً، قَالَ: وَلَمْ أَخْدُهَا؟

[21671] Abū Bakr reported: Wakī‘ reported from Mūsā ibn Abī al-Furāt al-Makkī who said: I heard Ṭāwūs being asked by a man who said: "I found a dinar and took it." He said: "Put it back in its place." He said: "You have wronged him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مُوسَى بْنِ أَبِي الْفُرَاتِ الْمَكَّيِّ، قَالَ: سَمِعْتُ طَاؤُسًا، وَسَأَلَهُ رَجُلٌ فَقَالَ: وَجَدْتُ دِينَارًا فَأَخْذَتُهُ قَالَ: ضَعْفُهُ مَكَانَةُ قَالَ: فَذَلِكَ ظُلْمٌ لَّهُ

[21672] Abū Bakr reported: Ibn Abī Za’idah reported from Abū Ḥayyān from Al-Dahhāk ibn al-Mundhir ibn Jarīr from his father from Jarīr who said: "None takes a stray or harbors it except one who goes astray."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ أَبِي حَيَّانَ، عَنِ الصَّحَّاحِ بْنِ الْمُنْذِرِ بْنِ جَرِيرٍ، عَنْ أَبِيهِ، عَنْ جَرِيرٍ، قَالَ: الصَّالِحُ لَا يَأْخُذُهَا أَوْ لَا يَأْوِيهَا إِلَّا ضَلَالٌ

[21673] Abū Bakr reported: Ibn Abī Zā'idah reported from Yahyā ibn Sa'īd from Sa'īd ibn al-Musayyib who said: 'Umar said while leaning his back against the Ka'bah: "Whoever takes a stray is astray."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسِيَّبِ، قَالَ: قَالَ عُمَرُ وَهُوَ مُسْنَدٌ ظَهُورًا إِلَى الْكَعْبَةِ: مَنْ أَخْذَ ضَالَّةً فَهُوَ ضَالٌّ

[21674] Abū Bakr reported: Waki' reported: Hammām reported from Qatādah from Sa'īd ibn al-Musayyib who said: 'Umar said: "None harbors a stray except one who goes astray." And 'Alī said: "None eats a stray except one who goes astray."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا هَمَّامٌ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسِيَّبِ، قَالَ: قَالَ عُمَرُ: لَا يَضُمُّ الضَّالَّةَ إِلَّا ضَالٌّ، وَقَالَ عَلَيْ: لَا يَأْكُلُ الضَّالَّةَ إِلَّا ضَالٌّ

[21675] Abū Bakr reported: Ibn Abī Zā'idah reported from Yahyā ibn Sa'īd from Sulaymān ibn Yasār from Thābit ibn al-Daḥḥāk who said: I found a camel and asked 'Umar. He said: "Announce it." I announced it but found no one who recognized it. I came to him and said: "It has occupied me." He said: "Release it where you found it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ ثَابِتِ بْنِ الضَّحَّاكِ، قَالَ: وَجَدْتُ بَعِيرًا، فَسَأَلْتُ عُمَرَ، فَقَالَ: عَرَفْتُهُ فَعَرَفْتُهُ، فَلَمْ أَجِدْ أَحَدًا يَعْرِفُهُ، فَأَتَيْتُهُ فَقُلْتُ: قَدْ شَغَلْنِي، قَالَ: فَأَرْسِلْهُ حَيْثُ وَجَدْتَهُ

[21676] Abū Bakr reported: Jarīr reported from Mughīrah from Al-Ḥārith al-‘Ukli who said: "Whoever takes something intending fear (of Allah/safekeeping), there is no liability upon him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنِ الْحَارِثِ الْعَكْلِيِّ، قَالَ: مَنْ أَخَذَ شَيْئًا يُرِيدُ الْخُشْيَةَ، فَلَا ضَمَانٌ عَلَيْهِ

[21677] Abū Bakr reported: ‘Abd al-A’lā ibn ‘Abd al-A’lā reported from Hishām from Al-Ḥasan who said: "If lost property is lost, its possessor is liable."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى بْنُ عَبْدِ الْأَعْلَى، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، قَالَ: إِذَا ضَاعَتِ الْلُّقْطَةُ فَصَاحِبُهَا ضَامِنٌ

[21678] Abū Bakr reported: Yahyā ibn Ādām reported from Ḥammād ibn Salamah from Ḥajjāj from a man from ‘Alī regarding a man who took a stray and it strayed from him. He said: "He is trustworthy (not liable)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ حَجَّاجٍ، عَنْ رَجُلٍ، عَنْ عَلَيِّ فِي رَجُلٍ أَخْذَ ضَالَّةً فَضَلَّتْ مِنْهُ، قَالَ: هُوَ أَمِينٌ

[21679] Abū Bakr reported: Ibn Idrīs reported from Al-Shaybānī from Al-Qāsim who said: "'Abdullāh made a Salam transaction for servants, one of whom was Abū Zā’idah, our Mawla."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنِ الشَّيْبَانِيِّ، عَنِ الْقَاسِمِ، قَالَ: أَسْلَمَ عَبْدُ اللَّهِ فِي وُصْفَاءِ، أَحَدُهُمْ أَبُو زَائِدَةَ مَوْلَانَا

[21680] Abū Bakr reported: Ibn Idrīs reported from Al-Shaybānī from ‘Āmir: "That he saw no harm in that."

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنِ الشَّيْبَانِيِّ،
عَنْ عَامِرٍ: كَانَ لَا يَرَى بِذَلِكَ بَأْسًا

[21681] Abū Bakr reported: ‘Abd al-Salām reported from Khuṣayf from Sa‘īd ibn al-Musayyib: "That he did not see any harm in that."

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ، عَنْ حُصَيْفِ،
عَنْ سَعِيدِ بْنِ الْمُسَيْبِ: أَنَّهُ لَمْ يَرَ بِذَلِكَ بَأْسًا

[21682] Abū Bakr reported: Mu‘tamir ibn Sulaymān reported from Layth from Ṭāwūs who said: "There is no harm in Salam transactions involving animals with sheep owners if the terms and ages are specified."

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ لَيْثِ،
عَنْ طَاؤِسٍ، قَالَ: لَا بَأْسَ بِالسَّلَامِ فِي الْحَيَوانِ عِنْدَ
أَصْحَابِ الشَّاءِ إِذَا سُمِّيَتِ الْأَجَالُ، وَالْأَسْنَانُ

[21683] Abū Bakr reported: ‘Abd al-A‘lā reported from Yūnus from Al-Hasan: "That he saw no harm in making Salam transactions for animals of specified ages until a specified term."

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنْ
الْحَسَنِ: أَنَّهُ لَمْ يَرَ بَأْسًا أَنْ يُسْلِمَ فِي الْحَيَوانِ أَسْنَانًا
مُسَمَّاهَا إِلَى أَجَلٍ مُسَمَّى

[21684] Abū Bakr reported: Ibn Numayr reported from ‘Abd al-Malik from ‘Atā’: "That he saw no harm in Salam transactions involving animals, and that a man may take below or above the condition regarding age if both the giver and the taker are agreeable to that."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ عَبْدِ الْمَالِكِ،
عَنْ عَطَاءٍ: أَنَّهُ كَانَ لَا يَرَى بَأْسًا بِالسَّلْمِ فِي الْحَيَّانِ،
وَأَنْ يَأْخُذَ الرَّجُلُ دُونَ شَرْطِهِ، وَفَوْقَهُ مِنَ الْأَسْنَانِ إِذَا
طَابَتْ بِذَلِكَ نَفْسُ الْمُعْطِي وَالْأَخْذِ

[21685] Abū Bakr reported: Wakī‘ reported from ‘Imrān al-Āḥwal from Mujāhid who said: I heard him say: "We used to make Salam transactions for servants, buying such and such."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ عِمْرَانَ الْأَحْوَلِ،
عَنْ مُجَاهِدٍ، قَالَ: سَمِعْتُهُ يَقُولُ: كُنَّا نُسْلِمُ فِي الْوُصَفَاءِ
كَذَا وَكَذَا شِرَائِي

[21686] Abū Bakr reported: Wakī‘ reported: Ma‘mar ibn Sām reported from Abū Ja‘far who said: "There is no harm in Salam transactions involving animals."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا مَعْمَرُ بْنُ
سَامٍ، عَنْ أَبِي جَعْفَرٍ، قَالَ: لَا بَأْسَ بِالسَّلْمِ فِي الْحَيَّانِ

[21687] Abū Bakr reported: Rawwād ibn Jarrāḥ reported from Al-Awzā‘ī from Al-Zuhrī that he saw no harm in Salam transactions involving servants if the age was known.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا رَوَادُ بْنُ جَرَاحٍ، عَنْ
الْأَوْزَاعِيِّ، عَنِ الزُّهْرِيِّ، أَنَّهُ لَمْ يَرَ بَأْسًا بِالسَّلْمِ فِي
الْوُصَفَاءِ إِذَا كَانَ سِنٌّ مَعْلُومٌ

[21688] Abū Bakr reported: Muḥammad ibn Muyassar reported from Ibn Jurayj from ‘Atā’: "That he did not see any harm in that."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ مُيَسَّرٍ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ: أَنَّهُ لَمْ يَرَ بِدَلْكَ بِأَسَّا

[21689] Abū Bakr reported: Sahl ibn Yūsuf reported from Ḥumayd from Abū Naḍrah who said: I asked Ibn ‘Umar about Salam transactions involving animals and servants. He said: "There is no harm in it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سَهْلُ بْنُ يُوسُفَ، عَنْ حُمَيْدٍ، عَنْ أَبِي نَضْرَةَ، قَالَ: سَأَلْتُ ابْنَ عُمَرَ عَنِ السَّلَامِ فِي الْحَيَوانِ وَفِي الْوُصْفَاءِ، فَقَالَ: لَا بَأْسَ بِهِ

[21690] Abū Bakr reported: Ḥafṣ reported from Al-A‘mash from Ibrāhīm who said: ‘Abdullāh used to dislike Salam transactions involving animals.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، قَالَ: كَانَ عَبْدُ اللَّهِ يَكْرَهُ السَّلَامَ فِي الْحَيَوانِ

[21691] Abū Bakr reported: Abū Khālid al-Āḥmar reported from Ḥajjāj from Qatādah from Ibn Sīrīn that ‘Umar, Ḥudhayfah, and Ibn Mas‘ūd used to dislike Salam transactions involving animals.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدِ الْأَحْمَرَ، عَنْ حَاجَّ، عَنْ قَتَادَةَ، عَنِ ابْنِ سِيرِينَ، أَنَّ عُمَرَ، وَحُدَيْفَةَ، وَابْنَ مَسْعُودٍ، كَانُوا يَكْرَهُونَ السَّلَامَ فِي الْحَيَوانِ

[21692] Waki‘ reported: Sufyān reported from Qays ibn Muslim from Ṭāriq ibn Shihāb that Zayd ibn Khaldah made a Salam transaction with ‘Itrīs ibn ‘Urqūb for young camels. He asked Ibn Mas‘ūd, and he disliked Salam transactions involving animals.

حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ قَيْسِ بْنِ مُسْلِمٍ،
عَنْ طَارِقِ بْنِ شِهَابٍ، أَنَّ زَيْدَ بْنَ خَلْدَةَ، أَسْلَمَ إِلَى
عِتْرِيسِ بْنِ عُرْقُوبٍ فِي قَلَائِصَ فَسَأَلَ أَبْنَ مَسْعُودٍ
فَكَرِهَ السَّلَمُ فِي الْحَيَوَانِ

[21693] Abū Bakr reported: Waki‘ reported: Al-Mas‘ūdī reported from Al-Qāsim ibn ‘Abd al-Rahmān who said: ‘Umar said: "It is a form of Riba to make Salam transactions involving age (animals)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا
الْمَسْعُودِيُّ، عَنِ الْفَاسِمِ بْنِ عَبْدِ الرَّحْمَنِ، قَالَ: قَالَ
عُمَرُ: مِنَ الرِّبَا أَنْ يُسْلِمَ فِي سِنِّ

[21694] Abū Bakr reported: Ḥasan ibn Ṣalīḥ reported from ‘Abd al-A’lā who said: I witnessed Shurayḥ rejecting (annulling) Salam transactions involving animals.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَسَنُ بْنُ صَالِحٍ، عَنْ عَبْدِ
الْأَعْلَى، قَالَ: شَهِدْتُ شُرَيْحًا رَدَ السَّلَمَ فِي الْحَيَوَانِ

[21695] Abū Bakr reported: Waki‘ reported: Isrā’il reported from Ibrāhīm ibn ‘Abd al-A’lā who said: I witnessed Suwayd ibn Ghafalah disliking Salam transactions involving animals.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ،
عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ الْأَعْلَى، قَالَ: شَهِدْتُ سُوَيْدَ بْنَ
غَفَلَةَ يَكْرِهُ السَّلَمَ فِي الْحَيَوَانِ

[21696] Abū Bakr reported: Waki‘ reported: Al-Naḍr ibn Abī Maryam Abū Līnah reported from Al-Ḍahhāk: "That he permitted Salam transactions involving animals, then retracted it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا النَّضْرُ بْنُ أَبِي مَرْيَمْ أَبُو لَيْلَةَ، عَنِ الضَّحَّاكِ، أَنَّهُ رَخَّصَ فِي السَّلَامِ فِي الْحَيَّانِ، ثُمَّ رَجَعَ عَنْهُ

[21697] Abū Bakr reported: Waki‘ reported: Ḥasan ibn Ṣalīḥ reported from Ibrāhīm ibn Muḥājir from Ibrāhīm who said: ‘Umar wrote to ‘Abdullāh: "Do not make Salam transactions involving animals."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا حَسْنُ بْنُ صَالِحٍ، عَنْ إِبْرَاهِيمَ بْنِ مُهَاجِرٍ، عَنْ إِبْرَاهِيمَ، قَالَ: كَتَبَ عُمَرُ إِلَى عَبْدِ اللَّهِ: لَا تُسْلِمُ فِي الْحَيَّانِ

[21698] Abū Bakr reported: Shu‘bah reported from ‘Ammār, the owner of Al-Sābirī, who said: I heard Sa‘īd ibn Jubayr being asked about Salam transactions involving animals, and he forbade it. He (the questioner) said: "I was in Azerbaijan for two years, and we saw them doing it and did not forbid them." Sa‘īd said: "I scatter my seed among those who do not want it. Hudhayfah ibn al-Yamān used to forbid it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شُعبَةُ، عَنْ عَمَّارِ صَاحِبِ السَّابِرِيِّ، قَالَ: سَمِعْتُ سَعِيدَ بْنَ جُبَيرَ، يُسْأَلُ عَنِ السَّلَامِ فِي الْحَيَّانِ فَنَهَى عَنْهُ فَقَالَ: قَدْ كُنْتُ بِأَذْرِيْجَانَ سَنَنِيْنَ نَرَاهُمْ يَفْعُلُونَهُ وَلَا نَنْهَاهُمْ، فَقَالَ سَعِيدٌ: أَنْشُرْ بَذْرِي عِنْدَ مَنْ لَا يُرِيدُهُ، كَانَ حُذَيْفَةُ بْنُ الْيَمَانِ يَنْهَا عَنْهُ

[21699] Abū Bakr reported: Sahl ibn Yūsuf reported from Humayd from Abū Naḍrah who said: I said to Ibn ‘Umar: "Our leaders forbid us from it," meaning Salam transactions involving animals and servants. He said: "Obey your leaders if they forbid it." Their leaders at that time were like Al-Ḥakam al-Ghifārī and ‘Abd al-Rahmān ibn Samurah.

[21700] Abū Bakr reported: Abū Mu‘āwiyah reported from Al-A‘mash from Ibrāhīm from Al-Aswad from ‘Umar who said: "Whoever gives a gift to a relative, it is valid. Whoever gives a gift to a non-relative, he has more right to it as long as he is not compensated for it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا سَهْلُ بْنُ يُوسُفَ، عَنْ حُمَيْدٍ، عَنْ أَبِي نَضْرَةَ، قَالَ: فَلْتُ لَابْنِ عُمَرَ: أَمْرَأُنَا يَنْهَوْنَا عَنْهُ، يَعْنِي السَّلَمَ فِي الْحَيَّانِ وَفِي الْوُصَفَاءِ، قَالَ: فَأَطِعْ أَمْرَاءَكُ إِنْ كَانُوا يَنْهَوْنَ عَنْهُ. وَأَمْرَأُهُمْ يَوْمَئِذٍ مِثْلُ الْحَكَمِ الْغِفارِيِّ وَعَبْدُ الرَّحْمَنِ بْنُ سَمْرَةَ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو مُعاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عُمَرَ، قَالَ: مَنْ وَهَبَ هِبَةً لِذِي رَحْمٍ فَهُوَ جَائِزٌ، وَمَنْ وَهَبَ هِبَةً لِغَيْرِ ذِي رَحْمٍ فَهُوَ أَحْقُ بِهَا مَا لَمْ يَتَبَّعْ مِنْهَا

[21701] Abū Bakr reported: ‘Abd al-Rahmān ibn Mahdī reported from Mu‘awiyah ibn Shāliḥ from Rabī‘ah ibn Yazid from ‘Abdullāh ibn ‘Amir who said: I was sitting with Faḍālah ibn ‘Ubayd when two men came disputing over a falcon. One of them said: "I gave him my falcon hoping he would compensate me, but he took my falcon and did not compensate me." The other said: "He gave me his falcon; I did not ask him nor seek it." Faḍālah said: "Return his falcon to him or compensate him for it, for only women and the wickedest of people retract gifts."

[21702] Abū Bakr reported: Muḥammad ibn Yazid reported from Al-Afrīqī who said: ‘Umar ibn ‘Abd al-‘Azīz wrote: "Whoever gives a gift and is not compensated for it and wants to retract it, let him retract it openly, not secretly."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ، عَنْ مُعَاوِيَةَ بْنِ صَالِحٍ، عَنْ رَبِيعَةَ بْنِ يَزِيدَ، عَنْ عَبْدِ اللَّهِ بْنِ عَامِرٍ، قَالَ: كُنْتُ جَالِسًا عِنْدَ فَضَالَةَ بْنِ عُثْيَدٍ، فَأَتَاهُ رَجُلٌ يَخْتَصِمَانِ إِلَيْهِ فِي بَازِرٍ، فَقَالَ أَحَدُهُمَا: وَهَبْتُ لَهُ بَازِرِي رَجَاءً أَنْ يُتَبَّعِنِي، وَأَحَدُ بَازِرِي وَلَمْ يَتَبَّعِنِي، فَقَالَ لَهُ الْأُخْرُ: وَهَبْتُ لِي بَازِرَيْهِ: مَا سَأَلْتُهُ وَلَا تَعَرَّضْتُ لَهُ، فَقَالَ فَضَالَةُ: رُدَّ عَلَيْهِ بَازِرَيْهِ أَوْ أَتَبْنَهُ مِنْهُ، فَإِنَّمَا يَرْجِعُ فِي الْمَوَاهِبِ النِّسَاءُ وَشَرَارُ الْأَقْوَامِ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ يَزِيدَ، عَنِ الْأَفْرِيقِيِّ، قَالَ: كَتَبَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ: مَنْ وَهَبَ هِبَةً، فَلَمْ يُتَبَّعْ عَلَيْهَا وَأَرَادَ أَنْ يَرْجِعَ فِيهَا فَلْيَرْجِعْ عَلَيْهَا غَيْرَ سِرِّ

[21703] Abū Bakr reported: Waki‘ reported from Sufyān from Jābir from Al-Qāsim from Ibn Abzā from ‘Alī who said: "A man has more right to his gift as long as he is not compensated for it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنْ الْقَاسِمِ، عَنْ ابْنِ أَبْزَى، عَنْ عَلِيٍّ، قَالَ: الرَّجُلُ أَحَقُّ بِهِتِهِ مَا لَمْ يُتَبَّ مِنْهَا

[21704] Abū Bakr reported: Waki‘ reported from Ibrāhīm ibn Ismā‘il ibn Mujammi‘ from ‘Amr ibn Dīnār from Abū Hurayrah who said: The Messenger of Allah ﷺ said: "A man has more right to his gift as long as he is not compensated for it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِبْرَاهِيمَ بْنِ إِسْمَاعِيلَ بْنِ مُجَمِّعٍ، عَنْ عَمْرُو بْنِ دِينَارٍ، عَنْ أَبِي هُرَيْرَةَ، قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الرَّجُلُ أَحَقُّ بِهِتِهِ مَا لَمْ يُتَبَّ مِنْهَا

[21705] Abū Bakr reported: Yahyā ibn Zakariyyā ibn Abī Zā’idah reported from ‘Ubaydullāh from Nāfi‘ from Ibn ‘Umar who said: "He has more right to it as long as he is not satisfied with it (compensation)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ زَكْرِيَّا بْنُ أَبِي زَائِدَةَ، عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، قَالَ: هُوَ أَحَقُّ بِهَا مَا لَمْ يَرْضَ مِنْهَا

[21706] Abū Bakr reported: Ibn Abī Zā'ida reported from Hishām from Ibn Sirīn from Shurayḥ who said: "Whoever gives for connection, kinship, kindness, or right, his gift is valid. And the one seeking reward is compensated for his gift or it is returned to him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ هِشَامٍ، عَنْ ابْنِ سِيرِينَ، عَنْ شُرَيْحٍ، قَالَ: مَنْ أَعْطَى فِي صِلَةٍ أَوْ قَرَابَةٍ أَوْ مَعْرُوفٍ أَوْ حَقًّا فَعَطَيْتُهُ جَائِزَةً، وَالْجَانِبُ الْمُسْتَعْذِبُ يُتَابُ مِنْ هِبَتِهِ أَوْ تُرْدُ عَلَيْهِ

[21707] Abū Bakr reported: Ibn Abī Zā'ida reported from Ibn Dīnār from Ibn 'Umar who said: "Whoever gives a gift seeking reward, there is no harm in returning it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ ابْنِ دِينَارٍ، عَنْ ابْنِ عُمَرَ، قَالَ: مَنْ وَهَبَ هِبَةً لِوَجْهِ الْتَّوَابِ، فَلَا بُأْسَ أَنْ يَرْدَ

[21708] Abū Bakr reported: Yahyā ibn Yamān reported from Ma'mar from Al-Zuhri from Sa'id ibn al-Musayyib who said: "Whoever gives a gift to a non-relative, he has the right to retract it as long as he is not compensated."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ يَمَانَ، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيْبَ، قَالَ: مَنْ وَهَبَ هِبَةً لِغَيْرِ ذِي رَحْمٍ، فَلَهُ أَنْ يَرْجِعَ مَا لَمْ يُتَبِّعْ

[21709] Abū Bakr reported: ‘Ubaydah ibn Ḥumayd reported from Muṭarrif from ‘Āmir who said: "If a man intends to give a gift, he has more right to it as long as it is in his hand. Once he gives it, it is valid."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبِيدَةُ بْنُ حُمَيْدٍ، عَنْ مُطَرِّفٍ، عَنْ عَامِرٍ، قَالَ: إِذَا وَهَبَ الرَّجُلُ الْهَبَةَ فَهُوَ أَحَقُّ بِهَا مَا دَامَتْ فِي يَدِهِ، فَإِذَا أَعْطَاهَا فَقَدْ جَازَتْ

[21710] Abū Bakr reported: Abū Usāmah reported from Ḥusayn al-Mu‘allim from ‘Amr ibn Shu‘ayb from Ṭāwūs from Ibn ‘Umar and Ibn ‘Abbās who said: The Messenger of Allah ﷺ said: "It is not lawful for a man to give a gift and then retract it. His likeness is that of a dog which eats until it is full, vomits, and then returns to its vomit."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ حُسَيْنِ الْمُعَلِّمِ، عَنْ عَمْرِو بْنِ شَعِيبٍ، عَنْ طَاؤِسٍ، عَنْ ابْنِ عُمَرَ، وَابْنِ عَبَّاسٍ، قَالَا: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا يَحِلُّ لِرَجُلٍ أَنْ يُعْطِي عَطِيَّةً، ثُمَّ يَرْجِعُ فِيهَا، فَمَثَلُهُ مَثَلُ الْكُلْبِ أَكْلَ حَتَّى إِذَا شَبَّعَ قَاءَ، ثُمَّ عَادَ فِي قَيْنَاهِ

[21711] Abū Bakr reported: Ibn ‘Ulayyah reported from Ayyūb from ‘Ikrimah from Ibn ‘Abbās who said: The Messenger of Allah ﷺ said: "We do not have the bad example. The one who retracts his gift is like the dog that returns to its vomit."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهِ، عَنْ أَيُوبَ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَيْسَ لَنَا مَثَلُ السَّوْءِ، الْعَائِدُ فِي هِبَتِهِ كَالْكُلْبِ يَعُودُ فِي قَيْنَاهِ

[21712] Abū Bakr reported: Abū Usāmah reported from ‘Awf from Khilās from Abū Hurayrah who said: The Messenger of Allah ﷺ said: "The likeness of the one who retracts his gift is like the dog which eats until it is full, vomits, and then returns to its vomit."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ عَوْفٍ، عَنْ خِلَاسٍ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَثَلُ الَّذِي يَعُودُ فِي عَطَيَّتِهِ مَثَلُ الْكَلْبِ أَكَلَ حَتَّى إِذَا شَبَّعَ قَاءَ، ثُمَّ عَادَ فِي قَيْئِهِ

[21713] Abū Bakr reported: Waki‘ reported from Ibrāhīm ibn Nāfi‘ from Al-Ḥasan ibn Muslim from Ṭāwūs who said: The Messenger of Allah ﷺ said: "It is not lawful for a man to retract his gift except a father."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِبْرَاهِيمَ بْنِ نَافِعٍ، عَنْ الْحَسَنِ بْنِ مُسْلِمٍ، عَنْ طَاؤِسٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا يَحِلُّ لِرَجُلٍ أَنْ يَرْجِعَ فِي هِبَتِهِ إِلَّا الْوَالَدُ

[21714] Abū Bakr reported: Waki‘ reported from Hishām ibn Sa‘d from Zayd ibn Aslam from his father who said: The Messenger of Allah ﷺ said: "The likeness of the one who retracts his gift is like the dog that returns to its vomit."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ هِشَامِ بْنِ سَعْدٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ أَبِيهِ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَثَلُ الَّذِي يَعُودُ فِي هِبَتِهِ كَمِثْلِ الْكَلْبِ يَعُودُ فِي قَيْئِهِ

[21715] Abū Bakr reported: Waki‘ reported from Ḥanẓalah from Ṭāwūs from some Companions of the Prophet ﷺ who said: "The likeness of the one who retracts his charity is like the dog that returns to its vomit."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ حَنْظَلَةَ، عَنْ طَاؤُسٍ، عَنْ بَعْضِ أَصْحَابِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: مَثْلُ الَّذِي يَعُودُ فِي صَدَقَتِهِ كَالْكُلْبِ يَعُودُ فِي قَنْيَتِهِ

[21716] Abū Bakr reported: Wakī‘ reported from Hishām al-Dastuwā‘ī from Qatādah from Sa‘id ibn al-Musayyib from Ibn ‘Abbās that the Messenger of Allah ﷺ said: "The one who retracts his gift is like the one who returns to his vomit."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ هِشَامِ الدَّسْنُوَانِيِّ، عَنْ قَنَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبَ، عَنْ ابْنِ عَبَّاسٍ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: الْعَائِدُ فِي هَبَتِهِ كَالْعَائِدِ فِي قَنْيَتِهِ

[21717] Abū Muḥammad ‘Abdullāh ibn Yūnus reported: Abū ‘Abd al-Raḥmān Baqī‘ ibn Makhlad reported: Abū Bakr reported: ‘Abd al-Salām reported from Mughīrah from Ibrāhīm: "Whatever a drunk person says is binding upon him."

حَدَّثَنَا أَبُو مُحَمَّدٍ عَبْدُ اللَّهِ بْنُ يُونُسَ، قَالَ: حَدَّثَنَا أَبُو عَبْدِ الرَّحْمَنِ بَقِيُّ بْنُ مَخْلِدٍ، قَالَ: حَدَّثَنَا أَبُو بَكْرٍ، قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ: مَا تَكَلَّمَ بِهِ السَّكُرَانُ مِنْ شَيْءٍ جَازَ عَلَيْهِ

[21718] Abū Bakr reported: ‘Isā ibn Yūnus reported from Al-Awzā‘ī from Al-Zuhrī that he said regarding a drunk person: "As for his sale and purchase, it is not valid; he is in the status of a fool."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنِ الْأَوْزَاعِيِّ، عَنِ الزُّهْرِيِّ، أَنَّهُ قَالَ فِي السَّكَرَانِ: أَمَّا بَيْعُهُ وَشِرَاؤُهُ فَلَا يَجُوزُ، هُوَ بِمَنْزَلَةِ السَّفِيهِ

[21719] Abū Bakr reported: ‘Abd al-Salām reported from Al-Ḥasan who said: "He did not validate his sale or purchase."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ، عَنِ الْحَسَنِ، قَالَ: كَانَ لَا يُحِيرُ بَيْعَهُ وَلَا شِرَاءَهُ

[21720] Abu Bakr said: Ibn 'Ulayyah told us from Khalid, from Ibn Sirin, that he said regarding a garment shared between two men, half of which cost one of them twenty and the other half cost the other ten. They said: "If they sell it by bargaining or by Murabahah (cost-plus financing), it is split equally between them."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عَلِيَّةَ، عَنْ خَالِدٍ، عَنْ ابْنِ سِيرِينَ، أَنَّهُ قَالَ فِي ثَوْبٍ بَيْنَ رَجُلَيْنِ نِصْفُهُ عَلَى أَحَدِهِمَا بِعِشْرِينَ، وَنِصْفُهُ عَلَى الْأَخْرِيِّ بِعِشْرَةِ قَالَ: إِنْ بَاعُوهُ مُسَاوِيَةً أَوْ مُرَابَحَةً فَهُوَ نِصْفَانِ بَيْنَهُمَا

[21721] Abu Bakr said: Waki' told us from Sufyan, from Jabir, from Al-Sha'bi and Al-Hakam, regarding two men who bought a commodity. One bought half for twenty and the other bought half for ten. Al-Sha'bi said: "If they sell it by Murabahah, it is based on their capital shares. If they sell it by bargaining, it is split equally." Al-Hakam said: "It is split equally between them."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنْ الشَّعْبِيِّ، وَالْحَكَمِ، فِي رَجُلَيْنِ اشْتَرَيَا سِلْعَةً اشْتَرَى أَحَدُهُمَا نِصْفَهَا بِعِشْرِينَ، وَاسْتَرَى الْأُخْرُ نِصْفَهَا بِعَشْرَةَ، فَقَالَ الشَّعْبِيُّ: إِنْ بَاعَهَا مُرَابَحَةً فَعَلَى رُغْوَسِ أَمْوَالِهِمَا، وَإِنْ بَاعَهَا مُسَاوِمَةً فَالنِّصْفُ وَالنِّصْفُ، وَقَالَ الْحَكَمُ: هُوَ بَيْنَهُمَا نِصْفَانِ

[21722] Abu Bakr said: Ibn Mahdi told us from Hammad ibn Salamah, from Ziyad al-A'lam, from Al-Hasan, who said: "If they sell it by Murabahah, the profit is based on the capital. If they sell it by bargaining, it is split equally between them." And from Qatadah similar to that.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ زِيَادِ الْأَعْلَمِ، عَنْ الْحَسَنِ، قَالَ: إِنْ بَاعَهَا مُرَابَحَةً فَالرِّبْحُ عَلَى رَأْسِ الْمَالِ، وَإِنْ بَاعَهَا مُسَاوِمَةً فَهُوَ بَيْنَهُمَا نِصْفَانِ وَعَنْ قَنَادَةِ مِثْلِ ذَلِكِ

[21723] Abu Bakr said: 'Abd al-Samad ibn 'Abd al-Warith told us from Jarir ibn Hazim, who was asked about a commodity shared between two men, valued for one more than for the other. He said: "The profit is according to their capital shares."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ،
عَنْ جَرِيرِ بْنِ حَازِمٍ، قَالَ: سُئِلَ عَنْ سُلْعَةٍ بَيْنَ رَجُلَيْنِ
يُوقَّمُ عَلَى أَحَدِهِمَا بِأَكْثَرِ مِمَّا يُوقَّمُ عَلَى الْآخَرِ، قَالَ:
الرِّبْحُ عَلَى قَدْرِ رُءُوسِ أَمْوَالِهِمَا

[21724] Abu Bakr said: Hafs told us from Musa ibn 'Ubaydah, from 'Abd Allah ibn Dinar, from Ibn 'Umar, that he was asked about a man who pledges a collateral and says: 'If I do not bring it to you by such and such time, it is yours.' He said: "He does not have the right to do that."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ مُوسَى بْنِ عُبَيْدَةَ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ ابْنِ عُمَرَ، أَنَّهُ سُئِلَ
عَنِ الرَّجُلِ يَرْهَنُ الرَّهْنَ فَيَقُولُ: إِنْ لَمْ أَجِدْكَ بِهِ إِلَى
كَذَا وَكَذَا فَهُوَ لَكَ، قَالَ: لَيْسَ لَهُ ذَلِكَ

[21725] Abu Bakr said: Jarir told us from Mughirah, from Ibrahim, regarding a man who pledges a collateral with another man and says: 'If I do not bring it to you by such and such time, it is yours.' He said: "The pledge is not forfeited." And if he says: 'If I do not bring it to you by such and such time, sell it and take what is yours.' He said: "He cannot be his own trustee nor sell it himself."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، فِي الرَّجُلِ يَرْهَنُ عِنْدَهُ الرَّجُلُ الرَّهْنَ فَيَقُولُ: إِنْ لَمْ آتَكَ بِهِ إِلَى كَذَّا وَكَذَّا فَهُوَ لَكَ، قَالَ: الرَّهْنُ لَا يُعْلَفُ وَإِنْ لَمْ آتَكَ بِهِ إِلَى كَذَّا وَكَذَّا فَبِعْهُ وَأَقْبِضُ الَّذِي لَكَ، قَالَ: لَا يَكُونُ أَمِينًا لِنَفْسِهِ وَلَا بَيْعَهُ

[21726] Abu Bakr said: 'Ali ibn Mushir told us from Sa'id ibn Abi 'Arubah, from Qatadah, from Al-Nadr ibn Anas, from Bashir ibn Nahik, from Abu Hurayrah, who said: The Messenger of Allah (saw) said: "Whoever frees a share or portion of a slave owned by him, his full emancipation is his responsibility from his wealth if he has wealth. If he does not have wealth, the slave is made to work for his value without being overburdened."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ، عَنْ سَعِيدِ بْنِ أَبِي عَرْوَةَ، عَنْ فَتَّادَةَ، عَنْ النَّضْرِ بْنِ أَنْسٍ، عَنْ بَشِيرِ بْنِ ثَهِيْكٍ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ أَعْنَقَ شَفْصَالَةً فِي مَمْلُوكٍ، أَوْ نَصِيبًا، فَعَلَيْهِ خَلَاصَةُ مِنْ مَالِهِ إِنْ كَانَ لَهُ مَالٌ، وَإِنْ لَمْ يَكُنْ لَهُ مَالٌ اسْتُنْسِعَ الْعَبْدُ فِي قِيمَتِهِ غَيْرَ مَشْفُوقٍ عَلَيْهِ

[21727] Abu Bakr said: Abu Usamah and Ibn Numayr told us from 'Ubayd Allah, from Nafi', from Ibn 'Umar, who said: The Prophet (saw) said: "If he is wealthy, he guarantees [the rest]. If he is poor, he frees what he freed."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، وَابْنُ ثُمَيْرٍ، عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، قَالَ: قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِنْ كَانَ مُوسِرًا ضَمِّنَ، وَإِنْ كَانَ مُعْسِرًا أَعْتَقَ مِنْهُ مَا أَعْتَقَ

[21728] Abu Bakr said: Ibn Numayr told us from 'Ubayd Allah, from Nafi', from Ibn 'Umar, who said: The Prophet (saw) said: "Whoever frees a share of a slave guarantees [the value of the rest] to his partners from his wealth if he has wealth." Ibn 'Umar said: "If he does not have wealth, the slave works [to pay off the rest]."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ ثُمَيْرٍ، عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، قَالَ: قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ أَعْتَقَ شِقْصَالَهُ فِي عَبْدٍ ضَمِّنَ لِأَصْحَابِهِ فِي مَالِهِ إِنْ كَانَ لَهُ مَالٌ. وَقَالَ ابْنُ عُمَرَ: إِنْ لَمْ يَكُنْ لَهُ مَالٌ سَعَى الْعَبْدُ

[21729] Abu Bakr said: Abu Mu'awiyah told us from Al-A'mash, from Ibrahim, from 'Abd al-Rahman ibn Yazid, who said: Al-Aswad, our mother, and I shared a slave who had witnessed Al-Qadisiyyah and performed well. They wanted to free him, but I was young. Al-Aswad mentioned this to 'Umar. 'Umar said: "You free [your shares], and 'Abd al-Rahman remains with his share until he desires what you desired or takes his share."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعاوِيَةَ، عَنِ الْأَعْمَشِ،
عَنْ إِبْرَاهِيمَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ، قَالَ: كَانَ
بَيْنِي وَبَيْنِ الْأَسْوَدِ وَأَمْمَنَا غُلَامٌ قَدْ شَهَدَ الْقَادِيسِيَّةَ، وَأَبْلَى
فِيهَا، فَأَرَادُوا عِنْقَهُ، وَكُنْتُ صَغِيرًا، فَذَكَرَ ذَلِكَ الْأَسْوَدُ
عِنْمَرًا، فَقَالَ عِنْمَرٌ: أَعْنَقُوكُمْ أَنْتُمْ، وَيَكُونُ عَبْدُ الرَّحْمَنَ
عَلَى نَصِيبِهِ حَتَّى يَرْغَبَ فِي مِثْلِ مَا رَغَبْتُمْ فِيهِ أَوْ يَأْخُذَ
نَصِيبِهِ

[21730] Abu Bakr said: Yazid ibn Harun told us from Hajjaj, from 'Abd al-Rahman ibn al-Aswad, from his father, who said: I had a slave shared between me and my brothers. I wanted to free him, so I went to Ibn Mas'ud and mentioned that to him. He said: "Do not spoil it for your partners and become liable, but wait until they grow up."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ
حَجَّاجٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْأَسْوَدِ، عَنْ أَبِيهِ، قَالَ:
كَانَ لِي غُلَامٌ بَيْنِي وَبَيْنِ إِخْوَتِي، فَأَرَدْتُ أَنْ أَعْنَقَهُ،
فَأَتَيْتُ أَبْنَ مَسْعُودٍ فَذَكَرْتُ ذَلِكَ لَهُ، فَقَالَ: لَا تُفْسِدَ عَلَى
شُرَكَائِكَ فَتَضَمِّنْ، وَلَكِنْ تَرَبَّصْ حَتَّى يَشْبُوا

[21731] Abu Bakr said: Yazid ibn Harun told us from Hajjaj, from Ibrahim, from Al-Aswad, from 'Umar, similar to it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ
حَجَّاجٍ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عِنْمَرَ، مِثْلُهُ

[21732] Abu Bakr said: Abu Mu'awiyah told us from Hajjaj, from 'Amr ibn Shu'ayb, from Sa'id ibn al-Musayyib, who said: Thirty companions of the Messenger of Allah (saw) used to hold liable the man who frees a slave shared between him and his partner, if he was wealthy.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو مَعَاوِيَةَ، عَنْ حَاجَاجِ، عَنْ عَمْرِو بْنِ شَعِيبٍ، عَنْ سَعِيدِ بْنِ الْمُسِيَّبِ، قَالَ: كَانَ تَلَاثُونَ مِنْ أَصْحَابِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يُضَمِّنُونَ الرَّجُلَ يَعْتِقُ الْعَبْدَ بَيْنَهُ وَبَيْنَ صَاحِبِهِ إِنْ كَانَ مُوسِرًا

[21733] Abu Bakr said: Azhar al-Samman told us from Ibn 'Awn, from Muhammad, that a slave was shared between two men. One of them freed him, so his partner rode to 'Umar. He wrote: “To value him at the highest price.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَزْهَرُ السَّمَانُ، عَنْ ابْنِ عَوْنِ، عَنْ مُحَمَّدٍ، أَنَّ عَبْدًا كَانَ بَيْنَ رَجُلَيْنِ فَأَعْنَقَهُ أَحَدُهُمَا، فَرَكِبَ شَرِيكُهُ إِلَى عُمَرَ، فَكَتَبَ: أَنْ يُقَوَّمَ أَغْلَى القيمة

[21734] Abu Bakr said: Ghundar told us from Shu'bah, from Mughirah, from Al-Sha'bi, who said: “Shurayh would indeed imprison him for it.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ مُغِيرَةَ، عَنْ الشَّعْبَيِّ، قَالَ: إِنْ كَانَ شُرَيْحٌ لَيَحِسْنَهُ بِهِ

[21735] Abu Bakr said: Ibn Mahdi told us from Sufyan, from Mansur, from Ibrahim, regarding a slave shared between two men where one frees his share. He said: “He guarantees if he has wealth. If he does not have wealth, the slave works [to pay off the rest].”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، فِي الْعَبْدِ يَكُونُ بَيْنَ الرَّجُلَيْنِ فَيَعْتَقُ أَحَدُهُمَا نَصِيبَهُ، قَالَ: يَضْمُنُ إِنْ كَانَ لَهُ مَالٌ، فَإِنْ لَمْ يَكُنْ لَهُ مَالٌ اسْتَسْعَى الْعَبْدُ

[21736] Abu Bakr said: Ibn Mahdi told us from Sufyan, from Usamah ibn Zayd, who said: I asked Sulayman ibn Yasar about it, and he said the same. I said to him: “He is young?” He said: “It is the Sunnah.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ أُسَامَةَ بْنِ رَيْدٍ، قَالَ: سَأَلْتُ عَنْهُ سُلَيْمَانَ بْنَ يَسَارٍ فَقَالَ مِثْلُ ذَلِكَ، فَقُلْتُ لَهُ: إِنَّهُ صَغِيرٌ؟ فَقَالَ: السُّنْنَةُ

[21737] Abu Bakr said: Ibn 'Ulayyah told us from Yunus, from Al-Hasan, that he used to say: “If a man frees a share of a slave he co-owns, he guarantees the rest if he is wealthy. If he is poor, the slave works [to pay off the rest].”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ يُونُسَ، عَنْ الْحَسَنِ، أَنَّهُ كَانَ يَقُولُ: إِذَا أَعْنَقَ الرَّجُلُ نَصِيبَهَا مِنْ مَمْلُوكٍ لَهُ فِيهِ شِرْكٌ، فَإِنَّهُ يَضْمُنُ مَا بَقِيَ مِنْهُ إِنْ كَانَ مُوسِرًا، وَإِنْ كَانَ مُعْسِرًا اسْتَسْعَى الْعَبْدُ

[21738] Abu Bakr said: Muhammad ibn Mubashshir told us from Hisham ibn 'Urwah, from his father, regarding a slave shared between two where one frees his share. He said: "He guarantees his partner's share."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ مُبَشِّرٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ فِي الْعَبْدِ يَكُونُ بَيْنَ الْتَّيْنِ فَيَعْتَقُ أَحَدُهُمَا نَصِيبَهُ، قَالَ: هُوَ ضَامِنٌ لِنَصِيبِ صَاحِبِهِ

[21739] Abu Bakr said: Ibn Abi Za'idah told us from Zakariyya, from 'Amir, regarding a slave shared between two men where one freed his share. He said: "His emancipation is completed. If he has no wealth, the slave works for the half, and the Wala' belongs to the one who freed him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ رَكْرِيَّا، عَنْ عَامِرٍ فِي عَنْدِ كَانَ بَيْنَ رَجُلَيْنِ فَأَعْتَقَ أَحَدُهُمَا نَصِيبَهُ، قَالَ: يَئِمُّ عِنْقُهُ، فَإِنْ لَمْ يَكُنْ لَهُ مَا اسْتَسْعَى الْعَبْدُ فِي النَّصْفِ، وَكَانَ الْوَلَاءُ لِلَّذِي أَعْتَقَ

[21740] Abu Bakr said: Sufyan ibn 'Uyaynah told us from Ibn Abi Layla, from Isma'il ibn Raja', from Abu Mijlaz, that a slave was shared between two men, and one freed his share. He said: "The Prophet (saw) detained him until he sold some booty of his to pay for it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنْ ابْنِ أَبِي لَيْلَى، عَنْ إِسْمَاعِيلَ بْنِ رَجَاءٍ، عَنْ أَبِي مَجْلَزٍ، أَنَّ عَبْدًا كَانَ بَيْنَ رَجُلَيْنِ فَأَعْتَقَ أَحَدُهُمَا نَصِيبَهُ، قَالَ: فَحَبَسَهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حَتَّى بَاعَ فِيهِ غَنِيمَةً لَهُ

[21741] Abu Bakr said: Yahya ibn Adam told us from Zuhayr, from Mughirah, from Ibrahim and Al-Sha'bi, regarding a slave shared between two men where one frees his share. They said: "He is freed from the wealth of the one who freed him, and he guarantees to his partner the fair value on the day he freed him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ، عَنْ زُهَيرٍ،
عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، وَالشَّعْبِيِّ فِي الْعَبْدِ يَكُونُ بَيْنَ
الرَّجُلَيْنِ فَيَعْنِقُ أَحَدُهُمَا أَصْبِيهِ، قَالَ: هُوَ عَتِيقٌ مِّنْ
مَالِ الَّذِي أَعْنَقَهُ وَيَضْمَنُ لِصَاحِبِهِ بِقِيمَةِ عَدْلٍ يَوْمَ
أَعْنَقَهُ

[21742] Abu Bakr said: Jarir told us from Mansur, from Ibrahim, who said: "Justice among Muslims is that one is not impugned regarding their belly or private parts."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ
إِبْرَاهِيمَ، قَالَ: الْعَدْلُ فِي الْمُسْلِمِينَ مَا لَمْ يُطْعَنْ عَلَيْهِ فِي
بَطْنٍ وَلَا فَرْجٍ

[21743] Abu Bakr said: Ibn Abi Za'idah told us from Salih ibn Huyay, from 'Amir, who said: "The testimony of a Muslim man is accepted as long as he has not committed a Hadd offense or is known for a defect in his religion."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ صَالِحِ
بْنِ حُنَيِّ، عَنْ عَامِرٍ، قَالَ: تَجُوزُ شَهَادَةُ الرَّجُلِ الْمُسْلِمِ
مَا لَمْ يُصِبْ حَدًّا، أَوْ تُعَلَّمَ عَلَيْهِ خَرْبَةً فِي دِينِهِ

[21744] Abu Bakr said: 'Abbad ibn al-'Awwam told us from 'Awf, from Al-Hasan, that he used to accept the testimony of anyone who prayed unless the opponent brought something to discredit him.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ عَوْفٍ، عَنِ الْحَسَنِ، أَنَّهُ كَانَ يُجِيزُ شَهَادَةَ مَنْ صَلَّى إِلَّا أَنْ يَأْتِي الْخَصْمُ بِمَا يَجْرِهُ بِهِ

[21745] Abu Bakr said: Waki' told us from Mis'ar, from Habib, who said: 'Umar asked a man about another man, and he said: "We know nothing but good." 'Umar said: "That is sufficient for you."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مِسْعَرٍ، عَنْ حَبِيبٍ، قَالَ: سَأَلَ عُمَرَ رَجُلًا عَنْ رَجُلٍ فَقَالَ: لَا تَعْلَمُ إِلَّا خَيْرًا، فَقَالَ عُمَرُ: حَسْبُكَ

[21746] Abu Bakr said: Ibn Abi Za'idah told us from Ibn 'Awn, from Muhammad, who said: Shurayh said: "Call, increase, soften, and bring just witnesses for that, for we have been commanded to accept the just. Go and ask about him; if they say: 'Allah knows best,' then Allah knows best. If they hesitate to say: 'He is dubious,' then the testimony of a dubious person is not accepted. But if they say: 'We know him only as a just Muslim,' then he is so, if Allah wills, and his testimony is accepted."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ ابْنِ عَوْنِ، عَنْ مُحَمَّدٍ، قَالَ: قَالَ شُرَيْبٌ: "ادْعُ، وَأَكْثِرُ، وَأَرْطِبُ، وَأَتِ عَلَى ذَلِكَ بِشَهُودٍ عُدُولٍ، فَإِنَّا قَدْ أَمْرَنَا بِالْعُدُولِ، وَأَتِ فَسَلَ عَنْهُ، فَإِنْ قَالُوا: اللَّهُ أَعْلَمُ، فَاللَّهُ أَعْلَمُ، إِنْ يَفْرُّوْا أَنْ يَقُولُوا: هُوَ مُرِيبٌ، فَلَا تَجُوزُ شَهَادَةُ مُرِيبٍ، فَإِنْ قَالُوا: مَا عَلِمْنَا إِلَّا عَدْلًا مُسْلِمًا، فَهُوَ إِنْ شَاءَ اللَّهُ كَذَلِكَ، وَتَجُوزُ شَهَادَةُ

[21747] Abu Bakr said: 'Isa ibn Yunus told us from Al-Awza'i, who said: I bought a slave girl, and her family stipulated that I not sell, gift, or use her as dowry, and if I die, she becomes free. I asked Al-Hakam ibn 'Utaybah, and he said: "There is no harm in it." I asked the mawla of 'Ata', or he was asked, and he disliked it. Al-Awza'i said: Yahya ibn Abi Kathir told me from Al-Hasan, who said: "The sale is valid and the condition is void." I asked 'Abdah ibn Abi Lubabah, and he said: "This is a bad sexual relationship." I asked Al-Zuhri, and he informed me that Ibn Mas'ud wrote to 'Umar asking about a slave girl he bought from his wife on the condition that if he sold her, she would have the right of pre-emption. 'Umar said: "Do not have intercourse with a private part in which someone else has a claim."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنِ الْأَوْزَاعِيِّ، قَالَ: ابْتَعْتُ جَارِيَةً وَشَرَطْ عَلَيْهَا أَنْ لَا أَبْيَعَ وَلَا أَهْبَ وَلَا أُمْهَرَ، فَإِذَا مِنْ فَيْمِ حُرَّةَ، فَسَأَلْتُ الْحَكَمَ بْنَ عُثَيْنَةَ، فَقَالَ: لَا بَأْسَ بِهِ وَسَأَلْتُ مُؤْلَى عَطَاءَ أَوْ سُئَلَ فَكَرِهَهُ قَالَ الْأَوْزَاعِيُّ: فَحَدَّثَنِي يَحْيَى بْنُ أَبِي كَثِيرٍ، عَنِ الْحَسَنِ قَالَ: الْبَيْعُ جَائِزٌ وَالشَّرْطُ بَاطِلٌ وَسَأَلْتُ عَبْدَةَ بْنَ أَبِي لَبَابَةَ، فَقَالَ: هَذَا فَرْجٌ سُوءٌ وَسَأَلْتُ الزُّهْرِيَّ، فَأَخْبَرَنِي، أَنَّ ابْنَ مَسْعُودٍ كَتَبَ إِلَى عُمَرَ يَسْأَلُهُ عَنْ جَارِيَةٍ ابْتَاعَهَا مِنْ امْرَأَتِهِ، عَلَى أَنَّهُ إِنْ بَاعَهَا فَوْيَ أَحَقُّ بِهَا بِالثَّمَنِ، فَقَالَ عُمَرُ: لَا تَطْأُ فَرْجًا فِيهِ شَيْءٌ لِغَيْرِكَ

[21748] Abu Bakr said: Waki' and Ibn Abi Za'idah told us from Mis'ar, from Al-Qasim, who said: 'Umar said: "Whatever has a mixture of another's right is not your property."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، وَابْنُ أَبِي رَائِدَةَ، عَنْ مِسْعَرٍ، عَنْ الْفَاسِمِ، قَالَ: قَالَ عُمَرُ: لَيْسَ مِنْ مَالِكٍ مَا كَانَ فِيهِ مَشُوَّبَةٌ لِغَيْرِكَ

[21749] Abu Bakr said: Waki' told us from Sufyan, from 'Asim ibn 'Ubayd Allah, from Al-Qasim, from 'Aishah, that she disliked selling a slave girl with the condition that she not be sold.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عَاصِمِ بْنِ عُبَيْدِ اللَّهِ، عَنْ الْفَاسِمِ، عَنْ عَائِشَةَ، أَنَّهَا كَرِهَتْ أَنْ تُبَاعَ الْجَارِيَةُ، بِشَرْطٍ أَنْ لَا تُبَاعَ

[21750] Abu Bakr said: 'Abd al-Salam ibn Harb told us from Khusayf, from Sa'id ibn Jubayr, regarding a man who buys a slave girl on the condition that he does not sell or gift her. He said: "He should not approach her."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ بْنُ حَرْبٍ، عَنْ حُصَيْفٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، فِي الرَّجُلِ يَشْتَرِي الْجَارِيَةَ عَلَى أَنْ لَا تُبَيِّبَ وَلَا يُوَهَّبَهَا قَالَ: لَا يَقْرُبُهَا

[21751] Abu Bakr said: Ibn Mahdi told us from Hammad ibn Salamah, from Hisham ibn 'Urwah, from his father, that he disliked it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّهُ كَرِهَهَا

[21752] Abu Bakr said: Ibn Numayr told us from 'Ubayd Allah ibn 'Umar, from Nafi', from Ibn 'Umar, that he used to say: "He should not have intercourse with a private part that has a condition attached."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، أَنَّهُ كَانَ يَقُولُ: لَا يَطَأُ فَرْجًا فِيهِ شَرْطٌ

[21753] Abu Bakr said: Ibn Fudayl told us from Al-Hasan ibn 'Ubayd Allah, from Ibrahim, regarding a man who buys a slave girl on the condition that he does not sell or gift her. He said: "It is nothing."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنِ الْحَسَنِ بْنِ عُبَيْدِ اللَّهِ، عَنْ إِبْرَاهِيمَ، فِي الرَّجُلِ يَشْتَرِي الْجَارِيَةَ عَلَى أَنْ لَا يَبْيَعَ وَلَا يَهَبَ، قَالَ: لَيْسَ بِشَيْءٍ

[21754] Abu Bakr said: Ibn Abi Za'idah told us from Isma'il ibn Abi Khalid, from Al-Sha'bi, regarding a man who buys a slave girl on the condition that he does not sell, gift, or use her as dowry. He said: "I wish I found her and bought her with this condition, and stipulated to them that she is free when I die."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنِ الشَّعْبِيِّ، فِي الرَّجُلِ يَشْتَرِي الْجَارِيَةَ عَلَى أَنْ لَا يَبْيَعَ وَلَا يَهَبَ وَلَا يُمْهَرَ، قَالَ: وَدَدْتُ أَنِّي وَجَدْتُهَا، فَأَشْتَرَيْتُهَا بِهَذَا الشَّرْطِ، وَأَشْتَرَطَ لَهُمْ أَنَّهَا عَتِيقٌ إِذَا مِتُّ

[21755] Abu Bakr said: Ibn Abi Za'idah told us from Ash'ath, from Al-Hakam, from Ibrahim, who said: "Every condition in a sale is annulled by the sale except manumission, and every condition in marriage is annulled by marriage except divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ أَسْعَثَ،
عَنِ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، أَنَّهُ قَالَ: كُلُّ شَرْطٍ فِي بَيْعٍ
يَهْدِمُهُ الْبَيْعُ إِلَّا الْعَتَاقُ، وَكُلُّ شَرْطٍ فِي نِكَاحٍ يَهْدِمُهُ
النِّكَاحُ إِلَّا الطَّلاقُ

[21756] Abu Bakr said: Waki' told us from Isma'il ibn Abi Khalid, from Al-Sha'bi, who said: A woman came and said: "My daughter was bought on the condition that she not be sold." He said: "Your daughter is upon her condition."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي
خَالِدٍ، عَنِ الشَّعْبِيِّ، قَالَ: أَتَتِ امْرَأَةً فَقَالَتْ: إِنَّ ابْنَتِي
اشْتَرَيْتُ عَلَى أَنْ لَا تُبَاعَ، قَالَ: ابْنَتُكَ عَلَى شَرْطِهَا

[21757] Abu Bakr said: Waki' told us: Ja'far ibn Burqan told us from Al-Zuhri, from 'Ubayd Allah ibn 'Abd Allah ibn 'Utbah, that Ibn Mas'ud bought a slave girl from his wife Zaynab, and she stipulated that if he sold her, she had the right of pre-emption for the price. Ibn Mas'ud asked 'Umar, and he disliked him having intercourse with her.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا جَعْفُرُ بْنُ
بُرْقَانَ، عَنِ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ
عُثْبَةَ، أَنَّ ابْنَ مَسْعُودٍ، اشْتَرَى مِنْ زَوْجِهِ زَيْنَبَ
جَارِيَةً فَأَشْتَرَطَتْ عَلَيْهِ: إِنْ بَاعَهَا فَهُوَ أَخْرُجُ
بِهَا بِالْمُؤْمِنِ، فَسَأَلَ ابْنَ مَسْعُودٍ عُمْرَ: فَكَرِهَ أَنْ يَطَأَهَا

[21758] Abu Bakr said: Waki' told us from Mis'ar, from 'Imran ibn 'Umayr, that 'Umar said to 'Ubayd Allah: "Do not approach her."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مِسْعَرٍ، عَنْ عِمْرَانَ بْنِ عُمَيْرٍ، أَنَّ عُمَرَ قَالَ لِعُبَيْدِ اللَّهِ: لَا يَقْرَبُهَا

[21759] Abu Bakr said: Hafs ibn Ghiyath told us from Hajjaj, from Al-'Ala' ibn Badr, from Abu Yahya al-Araj, who said: The Prophet (saw) was asked about a slave whose master freed him at death, having no other wealth and being in debt. He said: "The Prophet (saw) ordered him to work to pay off the

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ حَجَاجٍ، عَنْ الْعَلَاءِ بْنِ بَدْرٍ، عَنْ أَبِي يَحْيَى الْأَعْرَجِ، قَالَ: سُلِّمَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ عَبْدٍ أَعْنَقَهُ مَوْلَاهُ عِنْدَ مَوْتِهِ، وَلَيْسَ لَهُ مَالٌ غَيْرُهُ وَعَلَيْهِ دَيْنٌ، قَالَ: فَأَمْرَهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ يَسْعَى فِي الدِّينِ

[21760] Abu Bakr said: Hafs told us from Hajjaj, from Qatadah, from Al-Hasan, who said: 'Ali was asked about a man who freed a slave at his death, having no other wealth and being in debt. He said: "He is freed and works for his value."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُ، عَنْ حَجَاجٍ، عَنْ فَتَادَةَ، عَنْ الْخَسَنِ، قَالَ: سُلِّمَ عَلَيْهِ، عَنْ رَجُلٍ أَعْنَقَهُ عَبْدًا لَهُ عِنْدَ مَوْتِهِ وَلَيْسَ لَهُ مَالٌ غَيْرُهُ وَعَلَيْهِ دَيْنٌ، قَالَ: يُعْنَقُ وَيَسْعَى فِي القيمةِ

[21761] Abu Bakr said: Hafs told us from Hajjaj, from Al-Qasim, who said: A woman freed a slave girl and had no other wealth. 'Abd Allah said: "She works for her value."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُ، عَنْ حَجَاجٍ، عَنْ الْفَاسِيمِ، قَالَ: أَعْنَقَتِ امْرَأً جَارِيَةً لَيْسَ لَهَا مَالٌ غَيْرَهَا، فَقَالَ عَبْدُ اللَّهِ: تَسْعَى فِي قِيمَتِهَا

[21762] Abu Bakr said: 'Abd al-Salam ibn Harb told us from Mughirah, from Hammad, from Ibrahim, regarding a man who freed a slave during his illness, then died owing a debt and having no other wealth. He said: "He works for his value. If the value exceeds the debt, the creditors take their debt, and whatever remains, two-thirds go to the heirs and one-third to him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ بْنُ حَرْبٍ، عَنْ مُغِيرَةَ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، فِي رَجُلٍ أَعْنَقَ عَبْدًا لَهُ فِي مَرْضٍ، ثُمَّ ماتَ وَعَلَيْهِ دَيْنٌ، وَلَيْسَ لَهُ مَالٌ غَيْرُهُ قَالَ: يَسْعَى فِي قِيمَتِهِ، فَإِنْ كَانَتِ القيمةُ أَكْثَرَ مِنَ الدَّيْنِ يَسْعَى الْغُرْمَاءُ فِي ذَنْبِهِمْ، وَنَظَرَ مَا بَقَى مِنْ شَيْءٍ فَلِلَّوَرَثَةِ ثُلَاثَةٌ وَلَهُ ثُلَاثَةٌ

[21763] Abu Bakr said: Ibn Fudayl told us from Mutarrif, from Al-Sha'bi, regarding a man who freed his slave at death and had no other wealth. He said: "He is valued fairly, then works for his value."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ مُطَرِّفٍ، عَنِ الشَّعْبِيِّ فِي رَجُلٍ أَعْنَقَ عَبْدًا عِنْدَ مَوْتِهِ، وَلَيْسَ لَهُ مَالٌ غَيْرُهُ، قَالَ: يُقَوَّمُ قِيمَةً عَدْلًا، ثُمَّ يَسْعَى فِي قِيمَتِهِ

[21764] Abu Bakr said: 'Ali ibn Mushir told us from Isma'il ibn Abi Khalid, from Al-Sha'bi, from Masruq, who was asked about a man who freed a slave during his illness having no other wealth. He said: "I validate it; it is something he dedicated to Allah, I will not revoke it." Shurayh said: "I validate one-third and make him work for two-thirds."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنِ الشَّعَبِيِّ، عَنْ مَسْرُوقٍ، أَنَّهُ سُئِلَ عَنْ رَجُلٍ أَعْتَقَ عَبْدًا لَهُ فِي مَرَضِهِ، وَلَيْسَ لَهُ مَالٌ غَيْرُهُ، قَالَ: أَجِيزُهُ بِذَمَّتِهِ شَيْءٌ جَعَلَهُ لِلَّهِ لَا أَرُدُّهُ.
وَقَالَ شُرَيْحٌ: أَجِيزُ ثُلُثَةً وَأَسْتَسْعِيهُ فِي ثُلُثَيْهِ

[21765] Abu Bakr said: Ibn Mushir told us from Isma'il, who said: I said to Al-Sha'bi: Which of the two opinions do you prefer? He said: "The opinion of Masruq is more preferable to me in Fatwa, and the opinion of Shurayh is more preferable to me in judgment."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مُسْهِرٍ، عَنْ إِسْمَاعِيلَ، قَالَ: قُلْتُ لِشَعَبِيِّ: أَيُّ الْفَوْلَيْنِ أَعْجَبُ إِلَيْكَ؟ قَالَ: قُولْ مَسْرُوقٌ أَعْجَبُهُمَا إِلَيَّ فِي الْفَوْلِ، وَقُولْ شُرَيْحٌ أَعْجَبُهُمَا إِلَيَّ فِي الْقَضَاءِ

[21766] Abu Bakr said: Waki' told us from Hisham al-Dastuwa'i, from Qatadah, from Al-Hasan, from Ibn Mas'ud, who said: "He frees one-third of him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ هِشَامِ الدَّسْنُوَائِيِّ، عَنْ قَتَادَةَ، عَنْ الْحَسَنِ، عَنْ ابْنِ مَسْعُودٍ، قَالَ: يَعْتَقُ ثُلُثَةً

[21767] Abu Bakr said: Hasan ibn 'Ali told us from Za'idah, from Mansur, who said: Ibrahim said regarding a man who freed a slave at his death having no other wealth: "He frees one-third and works for two-thirds."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَسْنُ بْنُ عَلِيٍّ، عَنْ زَائِدَةَ،
عَنْ مَنْصُورٍ، قَالَ: قَالَ إِبْرَاهِيمُ فِي رَجُلٍ أَعْنَقَ غُلَامًا
لَهُ عِنْدَ مَوْتِهِ، وَلَيْسَ لَهُ مَالٌ غَيْرُهُ، فَقَالَ إِبْرَاهِيمُ: يَعْتِقُ
ثُلَّةً وَيَسْعَى فِي ثُلَّةٍ

[21768] Abu Bakr said: Hushaym told us from Isma'il ibn Salim, from Al-Sha'bi, who said: "If a man bequeaths the freedom of a slave, it is from the third. If it exceeds the third, he works for the excess."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ إِسْمَاعِيلَ بْنِ
سَالِمٍ، عَنِ الشَّعْبِيِّ، قَالَ: إِذَا أَوْصَى الرَّجُلُ بِعِنْقٍ
مَمْلُوكٍ لَهُ فَهُوَ مِنَ الْثُلُثِ، فَإِنْ كَانَ أَكْثَرَ مِنَ الْثُلُثِ
يَسْعَى فِيمَا رَادَ

[21769] Abu Bakr said: Ibn 'Ulayyah told us from Yunus, who said: They claimed that Al-Hasan used to say regarding a man who freed part of his slave at death: "What he freed is freed, and he works for the remainder."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ يُونُسَ، قَالَ:
رَعَمُوا أَنَّ الْحَسَنَ كَانَ يَقُولُ فِي رَجُلٍ أَعْنَقَ بَعْضَ
مَمْلُوكِهِ عِنْدَ مَوْتِهِ، قَالَ: يَعْتِقُ مِنْهُ مَا عَنَقَ وَيُسْتَسْعِي
فِيمَا بَقِيَ

[21770] Abu Bakr said: Al-Dahhak ibn Makhlad told us from Ibn Jurayj, from 'Ata', regarding a man who freed a third of his slave during his illness. He said: "He is valued within his third. If he made other bequests, the slave works [for his freedom]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلَدٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، فِي رَجُلٍ أَعْنَقَ ثُلُثَ عَبْدِهِ فِي مَرَضِهِ، قَالَ: يُقَامُ فِي ثُلُثِهِ، فَإِنْ كَانَ أَوْصَى بِوَصَائِيَّا اسْتَسْعَى الْعَبْدُ

[21771] Abu Bakr said: Yazid ibn Harun told us from Hammad ibn Salamah, from Hammad, from Ibrahim, who said: "If he frees part of his slave during his illness, he is entirely free. If it exceeds the third, he works for the remainder of the third."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا أَعْنَقَ بَعْضَ عَبْدِهِ فِي مَرَضِهِ عَنَقَ كُلُّهُ، فَإِنْ أَكْثَرَ مِنَ الثُّلُثِ يَسْعَى فِيمَا يَقِيَ مِنَ الْثُّلُثِ

[21772] Abu Bakr said: 'Abd al-A'la told us: Hisham was asked about a man who freed a share of a slave at death. He told us from Hafs ibn Sulayman, from Al-Hasan, that he said: "It is within his third, not exceeding that."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، قَالَ: سُنْنَ هِشَامٌ عَنْ رَجُلٍ أَعْنَقَ شِفْصَانِ مِنْ مَمْلُوكٍ لَهُ عِنْدَ مَوْتِهِ، فَحَدَّثَنَا، عَنْ حَفْصٍ بْنِ سُلَيْمَانَ، عَنْ الْحَسَنِ أَنَّهُ قَالَ: هُوَ فِي ثُلُثِهِ، لَا يَغْذُو ذَلِكَ

[21773] Abu Bakr said: Hushaym told us from Mutarrif, from Al-Sha'bi, and from 'Ubaydah, from Ibrahim, who said: “Hearsay testimony is valid.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ مُطَرِّفٍ، عَنِ الشَّعْبِيِّ، وَعَنْ عَبِيدَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: شَهَادَةُ السَّمْعِ جَائِزَةٌ

[21774] Abu Bakr said: Hatim ibn Wardan told us from Yunus, from Al-Hasan, who said: If a man hears something from people, he comes to the judge and says: “They did not call me to witness, but I heard such and such.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَاتِمُ بْنُ وَرْدَانَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، قَالَ: لَوْ أَنَّ رَجُلًا سَمِعَ مِنْ قَوْمٍ شَيْئًا، فَإِنَّهُ يَأْتِي الْقَاضِيَ فَيَقُولُ: لَمْ يُشَهِّدُونِي، وَلَكِنِّي سَمِعْتُ كَذَّا وَكَذَّا

[21775] Abu Bakr said: Ibn Idris told us from Al-Hasan ibn Furat, from his father Furat, who said: A man owed me fifty dirhams. I went to demand payment while a man was listening. I took him to Shurayh, and he denied it. Shurayh said: “Your evidence?” I said: “A man was listening while he acknowledged it to me.” He said: “Call him.” So I called him, and he testified. He said: “Stand up and

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنِ الْحَسَنِ بْنِ فُرَاتٍ، عَنْ أَبِيهِ فُرَاتٍ، قَالَ: كَانَ لِي عَلَى رَجُلٍ خَمْسُونَ دِرْهَمًا فَذَهَبْتُ أَنْقَاضَاهُ وَرَجُلٌ يَسْمَعُ، فَقُتِّلَ بِهِ إِلَى شُرَيْحٍ فَجَحَدَنِي، فَقَالَ شُرَيْحٌ: بَيْتُكَ، فَقُلْتُ: رَجُلٌ كَانَ يَسْمَعُ وَهُوَ مُقْرِّرٌ لِي، فَقَالَ: ادْعُ بِهِ، فَذَعَنْتُ بِهِ فَشَهَدَ، فَقَالَ: قُمْ، فَأَعْطِهِ حَقَّهُ

[21776] Abu Bakr said: 'Ubaydah ibn Humayd told us from Al-Aswad ibn Qays, from Kulthum ibn al-Aqmar, who said: Shurayh used not to accept the testimony of one hiding.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبِيْدَةُ بْنُ حُمَيْدٍ، عَنِ الْأَسْوَدِ
بْنِ فَيْسٍ، عَنْ كُلُّومَ بْنِ الْأَقْمَرِ، قَالَ: كَانَ شُرَيْحٌ لَا
يُجِيزُ شَهَادَةَ مُخْتَبِئٍ

[21777] Abu Bakr said: 'Ubaydah told us from Bayan Abu Bishr, who said: “Al-Sha'bi used not to accept the testimony of one hiding.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبِيْدَةُ، عَنْ بَيَانِ أَبِي بِشْرٍ،
قَالَ: كَانَ الشَّعْبِيُّ لَا يُجِيزُ شَهَادَةَ مُخْتَبِئٍ

[21778] Abu Bakr said: Hafs told us from Al-Shaybani, from Al-Sha'bi, from Shurayh, that he used not to accept the testimony of one hiding. He said: 'Amr ibn Hurayth said: “Thus is done with the treacherous oppressor” or he said: “The wicked.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنِ الشَّيْبَانِيِّ، عَنِ
الشَّعْبِيِّ، عَنْ شُرَيْحٍ، أَنَّهُ كَانَ لَا يُجِيزُ شَهَادَةَ الْمُخْتَبِئِ.
قَالَ: قَالَ عَمْرُو بْنُ حُرَيْثٍ: "كَذَّا يُفْعَلُ بِالْخَائِنِ الظَّالِمِ،
أَوْ قَالَ: الْفَاجِرُ

[21779] Abu Bakr said: Jarir told us from Mughirah, from Ibrahim and Al-Sha'bi, who said: “If polytheists come to you and ask you to judge between them, judge between them according to the judgment of Muslims, do not deviate from it, or turn away from them and leave them to their people of religion.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، وَالشَّعْبِيِّ، قَالَا: إِذَا أَتَاكُمُ الْمُشْرِكُونَ فَحَكِّمُوهُ فِيمَا بَيْنَهُمْ، فَاحْكُمْ بَيْنَهُمْ بِحُكْمِ الْمُسْلِمِينَ، لَا تَعْدُهُ إِلَى غَيْرِهِ، أَوْ أَعْرِضْ عَنْهُمْ، وَلْخَلُّهُمْ وَأَهْلُ بَيْنَهُمْ

[21780] Abu Bakr said: Ma'n ibn 'Isa told us from Ibn Abi Dhi'b, from Al-Zuhri, who said: I asked about the judgment of Jews and Christians if they seek judgment from us. He said: “Judge between them according to your judgment among Muslims; nothing is valid between them except what is valid among Muslims.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مَعْنُ بْنُ عِيسَى، عَنْ ابْنِ أَبِي ذِئْبٍ، عَنْ الزُّهْرِيِّ، قَالَ: سَأَلْتُ عَنْ حُكْمَةِ الْيَهُودِ وَالنَّصَارَى إِذَا تَحَاكَمُوا إِلَيْنَا، قَالَ: احْكُمْ بَيْنَهُمْ بِحُكْمِكَ فِي الْمُسْلِمِينَ، لَا يَجُوزُ بَيْنَهُمْ إِلَّا مَا يَجُوزُ بَيْنَ الْمُسْلِمِينَ

[21781] Abu Bakr said: Abu Usamah told us from Sa'id ibn Abi 'Arubah, from Qatadah, from Al-Hasan, who said: “Leave the People of the Book to their judgments, but if they come to you, apply what is in your Book upon them.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَمَّةَ، عَنْ سَعِيدِ بْنِ أَبِي عَرْوَبَةَ، عَنْ قَتَادَةَ، عَنْ الْحَسَنِ، قَالَ: خُلُوا بَيْنَ أَهْلِ الْكِتَابِ وَبَيْنَ أَحْكَامِهِمْ، فَإِذَا ارْتَفَعُوا إِلَيْنُّمْ، فَاقْرِبُوهُمْ عَلَيْهِمْ مَا فِي كِتَابِنَا

[21782] Abu Bakr said: Abu al-Ahwas told us from Simak, from Qabus ibn Mukhariq, from his father, who said: Muhammad ibn Abi Bakr was sent as governor to Egypt. He wrote to 'Ali asking about a Muslim who committed fornication with a Christian woman. 'Ali wrote back: "Establish the Hadd punishment on the Muslim who committed fornication with the Christian woman, and refer the Christian woman to the Christians to judge her as they wish."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَخْوَصِ، عَنْ سِيمَاكِ، عَنْ قَابُوسِ بْنِ مُخَارِقٍ، عَنْ أَبِيهِ، قَالَ: بُعِثَتْ مُحَمَّدُ بْنُ أَبِي بَكْرٍ أَمِيرًا عَلَى مِصْرَ، فَكَتَبَ مُحَمَّدٌ إِلَى عَلَيِّ يَسَّالُهُ عَنْ مُسْلِمٍ فَجَرَ بِنَصْرَانِيَّةً، فَكَتَبَ عَلَيْهِ أَنْ أَفِيمَ الْحَدَّ عَلَى الْمُسْلِمِ الَّذِي فَجَرَ بِالنَّصْرَانِيَّةَ، وَارْفَعْ النَّصْرَانِيَّةَ إِلَى النَّصَارَى يَقْضُونَ فِيهَا مَا شَاءُوا

[21783] Abu Bakr said: Waki' told us from Sufyan, from Al-Suddi, from 'Ikrimah, who said: "This verse {And judge between them by what Allah has revealed} [Al-Ma'idah: 49] abrogated {Judge between them or turn away from them}."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ السُّدَّيِّ، عَنْ عَكْرَمَةَ، قَالَ: نَسَخَتْ هَذِهِ الْأُبَيْةُ: {وَإِنْ احْكُمْ بَيْنَهُمْ بِمَا أَنْزَلَ اللَّهُ} [المائدة، 49]: احْكُمْ بَيْنَهُمْ بِمَا أَنْزَلَ اللَّهُ {أَوْ أَعْرِضْ عَنْهُمْ}

[21784] Abu Bakr said: Waki' told us from Sufyan, from 'Ikrimah, from 'Ata', who said: "If he wishes he judges, and if he wishes he does not judge."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عَكْرَمَةَ، عَنْ عَطَاءٍ، قَالَ: إِنْ شَاءَ حَكْمَ، وَإِنْ شَاءَ لَمْ يَحْكُمْ

[21785] Abu Bakr said: Jarir told us from Mughirah, from Al-Sha'bi, who said: “The Prophet (saw) stoned a Jew whom the Jews sent with a Jew and a hypocrite.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ الشَّعْبِيِّ، قَالَ: رَجَمَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَهُودِيًّا بَعَثْتُ بِهِ يَهُودًا مَعَ يَهُودِيًّا وَمُنَافِقِي

[21786] Abu Bakr said: Sharik told us from Simak, from Jabir ibn Samurah: “That the Prophet (saw) stoned a Jew and a Jewess.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ سِمَاكٍ، عَنْ جَابِرِ بْنِ سَمْرَةَ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَجَمَ يَهُودِيًّا وَيَهُودِيَّةً

[21787] Abu Bakr said: Abu Mu'awiyah and Waki' told us from Al-A'mash, from 'Abd Allah ibn Murrah, from Al-Bara': “That the Prophet (saw) stoned a Jew.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو مُعاوِيَةَ، وَوَكِيعٌ، عَنِ الْأَعْمَشِ، عَنْ عَبْدِ اللَّهِ بْنِ مُرَّةَ، عَنِ الْبَرَاءِ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَجَمَ يَهُودِيًّا

[21788] Abu Bakr said: 'Abd al-Rahim ibn Sulayman told us from Mujalid, from 'Amir, from Jabir ibn 'Abd Allah: “That the Messenger of Allah (saw) stoned a Jew and a Jewess.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ مُجَالِدٍ، عَنْ عَامِرٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَجَمَ يَهُودِيًّا وَيَهُودِيَّةً

[21789] Abu Bakr said: Ibn Numayr told us: 'Abd Allah ibn 'Umar told us from Nafi', from Ibn 'Umar: "That the Prophet (saw) stoned two Jews; I was among those who stoned them."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ نُمَيْرٍ، قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عُمَرَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَجَمَ يَهُودَيْنَ، أَنَا فِيمَنْ رَجَمَهُمَا

[21790] Abu Bakr said: Waki' told us from Sufyan, from Mansur, from Muhammad ibn Kurdus, from his father: A man was punished for drinking wine, then testified before Shurayh. He asked me about him, and I said: "He is among the best of our youth." So he accepted his testimony.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ مُحَمَّدِ بْنِ كُرْدُوسٍ، عَنْ أَبِيهِ: أَنَّ رَجُلًا حُدُّدَ فِي الْخَمْرِ، فَشَهَدَ عِنْدَ شُرَيْحٍ، فَسَأَلَنِي عَنْهُ، فَقُلْتُ: مِنْ خَيْرِ شَبَابِنَا، فَأَجَازَ شَهَادَتَهُ

[21791] Abu Bakr said: Ibn Mahdi told us from Hammad ibn Salamah, from Simak ibn Harb, from 'Abd Allah ibn Shaddad, from Ibn 'Umar, that 'Umar wrote to Abu Musa concerning a man who drank wine: "If he repents, accept his testimony."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ سِمَاكِ بْنِ حَرْبٍ، عَنْ عَبْدِ اللَّهِ بْنِ شَدَّادٍ، عَنْ ابْنِ عُمَرَ، أَنَّ عُمَرَ كَتَبَ إِلَى أَبِي مُوسَى فِي رَجُلٍ شَرَبَ الْخَمْرَ: إِنْ تَابَ فَاقْبِلْ شَهَادَتَهُ

[21792] Abu Bakr said: Waki' told us from Isra'il, from 'Isa ibn Abi 'Azzah, from Al-Sha'bi: "That he accepted the testimony of a man who was flogged for drinking wine."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ عِيسَى بْنِ أَبِي عَزَّةَ، عَنِ الشَّعْبِيِّ: أَنَّهُ أَجَازَ شَهَادَةَ رَجُلٍ ضُرِبَ فِي الْخَمْرِ

[21793] Abu Bakr said: Ibn Mubarak told us from Ibn Jurayj, from Sulayman ibn Musa, from 'Umar ibn 'Abd al-'Aziz: "That he accepted the testimony of a brother for his brother."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ سُلَيْمَانَ بْنِ مُوسَى، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ: أَنَّهُ أَجَازَ شَهَادَةَ الْأَخِ لِأَخِيهِ

[21794] Abu Bakr said: Ibn Mubarak told us from Muhammad ibn 'Abd Allah al-Ansari, from Isma'il, from Al-Hasan, who said: "The testimony of a brother for his brother is valid."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ الْأَنْصَارِيِّ، عَنْ إِسْمَاعِيلَ، عَنِ الْحَسَنِ، قَالَ: تَجُوزُ شَهَادَةُ الْأَخِ لِأَخِيهِ

[21795] Abu Bakr said: Waki' told us: Sufyan told us from Al-Sha'bi, from Shurayh, who said: "The testimony of a brother for his brother is valid if he is just."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنِ الشَّعْبِيِّ، عَنْ شُرَيْحٍ، قَالَ: تَجُوزُ شَهَادَةُ الْأَخِ لِأَخِيهِ إِذَا كَانَ عَدْلًا

[21796] Abu Bakr said: 'Ubaydah ibn Humayd told us from 'Ata' ibn al-Sa'ib, from Harb ibn 'Ubayd Allah, from Shurayh, that he accepted the testimony of a brother for his brother.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبِيدَةُ بْنُ حُمَيْدٍ، عَنْ عَطَاءِ
بْنِ السَّائِبِ، عَنْ حَرْبِ بْنِ عُبَيْدِ اللَّهِ، عَنْ شُرَيْحٍ، أَنَّهُ
أَجَازَ شَهَادَةَ أَخٍ لِأَخِيهِ

[21797] Abu Bakr said: Sharik told us from Mughirah, from Al-Harith, who said: A man refused to take an oath before Shurayh, so Shurayh ruled against him. The man said: "I will swear." Shurayh said: "My judgment has passed."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَرِيكُ، عَنْ مُغِيرَةَ، عَنِ
الْحَارِثِ، قَالَ: نَكَلَ رَجُلٌ عِنْدَ شُرَيْحٍ عَنِ الْيَمِينِ،
فَقَضَى شُرَيْحٌ عَلَيْهِ، فَقَالَ الرَّجُلُ: أَنَا أَخْلِفُ، فَقَالَ
شُرَيْحٌ: قَدْ مَضَى فَضَائِي

[21798] Abu Bakr said: Hafs told us from Ibn Jurayj, from Ibn Abi Mulaykah, from Ibn 'Abbas, that he ordered him to ask a woman to swear an oath, but she refused to swear, so he made her liable for it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصُ، عَنْ ابْنِ جُرَيْجٍ، عَنِ
ابْنِ أَبِي مُلَيْكَةَ، عَنْ ابْنِ عَبَّاسٍ، أَنَّهُ أَمْرَهُ أَنْ يَسْتَحْلِفَ،
امْرَأَةً فَأَبْتَ أَنْ تَحْلِفَ فَالْزَمَهَا ذَلِكَ

[21799] Abu Bakr said: 'Abbad ibn al-'Awwam told us from Yahya ibn Sa'id, from Salim, that Ibn 'Umar sold a slave for eight hundred dirhams. The buyer found a fault in him and disputed with him before 'Uthman. 'Uthman said to him: "Did you sell him with exemption from liability?" He refused to swear, so 'Uthman returned him [the slave] to him.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَالِمٍ، أَنَّ ابْنَ عُمَرَ، بَاعَ غُلَامًا لَهُ بِتَمَانِيَةٍ دِرْهَمٍ، فَوَجَدَ بِهِ الْمُشْتَرِي عَيْنًا فَخَاصَّمَهُ إِلَيْهِ عُثْمَانَ، فَقَالَ لَهُ عُثْمَانُ: بِعَيْنَةٍ بِالْبَرَاءَةِ، فَأَبَى أَنْ يَحْلِفَ، فَرَدَّهُ عُثْمَانَ عَلَيْهِ

[21800] Abu Bakr said: Jarir told us from Mughirah and Ibn Shubrumah, who said: 'Abd Allah bought a slave from a man. When he took him home, the slave developed a fever in the cold. He disputed with him before Al-Sha'bi. He said to 'Abd Allah: "Do you have proof that he concealed a defect from you?" He said: "I have no proof." He said to the man: "Swear that you did not sell him with a defect." The man said: "I return the oath to 'Abd Allah." Al-Sha'bi ruled the oath upon him, saying: "Either you swear, or the slave remains your responsibility."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، وَابْنِ شُبْرَمَةَ، قَالَا: اشْتَرَى عَبْدُ اللَّهِ غُلَامًا لِإِمْرِيٍّ، فَلَمَّا ذَهَبَ بِهِ إِلَى مَنْزِلِهِ حُمِّرَ الْغُلَامُ فِي الْبَرِّ، فَخَاصَّمَهُ إِلَيْهِ الشَّعْبَيِّ، فَقَالَ لِعَبْدِ اللَّهِ: بَيْتَنِكَ أَنَّهُ دَلَّسَ عَلَيْكَ عَيْنًا؟ فَقَالَ: لَيْسَ لِي بَيْتَنِهُ فَقَالَ لِلرَّجُلِ: اخْرُفْ أَنَّكَ لَمْ تَتَبَعِذْ دَاءً، فَقَالَ الرَّجُلُ: إِنِّي أَرْدُ الْيَمِينَ عَلَى عَبْدِ اللَّهِ، فَقَضَى الشَّعْبَيُّ بِالْيَمِينِ عَلَيْهِ، فَقَالَ: إِمَّا أَنْ تَخْلِفَ وَإِلَّا جَازَ عَلَيْكَ الْغُلَامُ

[21801] Abu Bakr said: Abu Mu'awiyah told us from Hajjaj, from Nafi', who said: "Zayd used not to take a wage for judging."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ حَجَّاجٍ، عَنْ نَافِعٍ، قَالَ: كَانَ زَيْدٌ لَا يَأْخُذُ عَلَى الْقَضَاءِ أَجْرًا

[21802] Abu Bakr said: Yahya ibn Sa'id told us from Al-A'mash, from Al-Qasim, from Masruq, that he used not to take a wage for judging. And he mentioned similar or something to this effect from Al-Qasim.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنِ الْأَعْمَشِ، عَنِ الْفَاسِيمِ، عَنْ مَسْرُوقٍ، أَنَّهُ كَانَ لَا يَأْخُذُ عَلَى الْقَضَاءِ أَجْرًا، وَذَكَرَ عَنِ الْفَاسِيمِ نَحْوَهُ أَوْ شَيْئًا هَذَا مَعْنَاهُ

[21803] Abu Bakr said: Muhammad ibn Marwan al-Basri told us from Yunus ibn Abi al-Furat, from Al-Hasan, who said: "I dislike taking a wage for judging."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ مَرْوَانَ الْبَصْرِيَّ، عَنْ يُونُسَ بْنِ أَبِي الْفُرَاتِ، عَنِ الْحَسَنِ، قَالَ: أَكْرَهَ أَنْ آخُذَ عَلَى الْقَضَاءِ أَجْرًا

[21804] Abu Bakr said: Waki' told us from Sufyan, from Abu al-Husayn, from Al-Qasim, from 'Umar, who said: "It is not fitting for the judge of the Muslims to take a wage, nor for the one in charge of their booty."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ أَبِي الْحُصَيْنِ، عَنِ الْفَاسِيمِ، عَنْ عُمَرَ، قَالَ: لَا يَتَبَغِي لِقَاضِي الْمُسْلِمِينَ أَنْ يَأْخُذَ أَجْرًا وَلَا صَاحِبَ مَغْنِمٍ

[21805] Abu Bakr said: Yazid ibn Harun told us from Hisham, from Muhammad, that he saw no harm in the judge taking sustenance from the treasury of the Muslims.

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ هِشَامٍ، عَنْ مُحَمَّدٍ، أَنَّهُ كَانَ لَا يَرَى بَأْسًا أَنْ يَأْخُذَ الْقَاضِيَ رِزْقًا مِنْ بَيْتِ مَالِ الْمُسْلِمِينَ

[21806] Abu Bakr said: Al-Fadl ibn Dukayn told us from Hasan ibn Salih, from Ibn Abi Layla, who said: It reached us - or he said: It reached me - that 'Ali provided Shurayh with five hundred [dirhams/dinars].

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنٍ، عَنْ حَسَنِ بْنِ صَالِحٍ، عَنِ ابْنِ أَبِي لَيْلَى، قَالَ: بَلَغْنَا أَوْ قَالَ: بَلَغْنِي، أَنَّ عَلِيًّا رَزَقَ شُرَيْحًا خَمْسَمِائَةً

[21807] Abu Bakr said: Ibn 'Uyaynah told us from 'Amr, from Tawus, from Ibn 'Abbas, who said: He used to forbid selling fruit until it is edible. And Ibn 'Umar said: "Until its suitability appears."

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ طَاؤِسٍ، عَنْ ابْنِ عَبَاسٍ، قَالَ: كَانَ يَنْهَا عَنْ بَيْعِ التَّمَرَةِ حَتَّى تُطْعَمَ، وَقَالَ ابْنُ عُمَرَ: حَتَّى يَبْدُوا صَلَاحُهَا

[21808] Abu Bakr said: Ibn Abi Za'idah told us from Waki', from Mis'ar, from Al-Qasim, who said: 'Umar said: "It is Riba to sell fruit while it is unripe and has not ripened."

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ وَكِيعٍ، عَنْ مِسْعَرٍ، عَنِ الْقَاسِمِ، قَالَ: عُمَرُ: مِنَ الرِّبَا أَنْ تُبَاعُ التَّمَرَةُ وَهِيَ مُغْضِفَةٌ لَمَا تَطِبُ

[21809] Abu Bakr said: Abu al-Ahwas told us from Abu Ishaq, from Al-Aswad, who said: “No Salam sale in dates until they turn yellow or red, nor in chicks until they mature, nor in crops while green until they form ears.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ أَبِي إِسْحَاقَ، عَنْ الْأَسْوَدِ، قَالَ: لَا سَلَمٌ فِي نَخْلٍ حَتَّى تَصْفَرَ أَوْ تَحْمَرَ، وَلَا فِي فِرَاخٍ حَتَّى تَلْبَغَ، وَرَزْعٌ وَهُوَ أَخْضَرٌ حَتَّى يُسْبَلَ

[21810] Abu Bakr said: Ibn 'Uyaynah told us from Al-Zuhri, from Salim, from his father: “That the Prophet (saw) forbade selling fruit until its suitability appears.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنْ بَيْعِ التَّمَرَ حَتَّى يَنْدُو صَالَحًا

[21811] Abu Bakr said: Jarir told us from Mughirah, from Hammad, from Ibrahim, who said: “Dates are not sold until their kernels harden and they are safe from blight.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا تُبَاعُ النَّخْلُ حَتَّى يَشْتَدَّ نَوَافِهُ وَتُؤْمَنَ عَلَيْهِ الْأَقْفَةُ

[21812] Abu Bakr said: Waki' told us from Sufyan, from Abu al-Zinad, from Kharijah ibn Zayd ibn Thabit, that he used to sell his fruit when the Pleiades rose.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ أَبِي الرِّنَادِ، عَنْ خَارِجَةَ بْنِ زَيْدِ بْنِ ثَابِتٍ، أَنَّهُ كَانَ يَبَيِّعُ تَمَرَّتُهُ إِذَا طَلَعَتِ الْثُرَيَا

[21813] Abu Bakr said: Ibn Abi Za'idah told us from Hajjaj, from 'Ata' and Abu al-Zubayr, from Jabir, who said: "The Prophet (saw) forbade selling fruits until their suitability appears."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ حَاجَاجِ، عَنْ عَطَاءٍ، وَأَبِي الرُّبَيْرِ، عَنْ جَابِرٍ، قَالَ: نَهَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيْعِ التَّمَرَ حَتَّى يَبْدُوا صَلَاحُهَا

[21814] Abu Bakr said: Yahya ibn Sa'id al-Qattan told us from 'Abd al-Malik ibn Abi Kathir, who said: I heard Sa'id ibn al-Musayyib say: "Fruit is not sold until it ripens and is safe from blight."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدِ الْقَطَانِ، عَنْ عَبْدِ الْمَلِكِ بْنِ أَبِي كَثِيرٍ، قَالَ: سَمِعْتُ سَعِيدَ بْنَ الْمُسَيَّبَ، يَقُولُ: لَا تُبَاعُ التَّمَرُ حَتَّى تَرْهُو وَتُؤْمَنَ عَلَيْهَا الْأَفْقَهُ

[21815] Abu Bakr said: Sahl ibn Yusuf told us from Humayd, from Anas, who said: "The Prophet (saw) forbade selling fruit until its suitability appears." It was said to Anas: "What is the appearance of its suitability?" He said: "It turns red or yellow."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا سَهْلُ بْنُ يُوسُفَ، عَنْ حُمَيْدٍ، عَنْ أَنَّسٍ، قَالَ: نَهَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيْعِ التَّمَرَ حَتَّى يَبْدُوا صَلَاحُهَا. قِيلَ لِأَنَّسٍ: وَمَا يَبْدُوا صَلَاحُهَا؟ قَالَ: تَحْمَرُ أَوْ يَصْفَرُ

[21816] Abū Bakr reported: Waki' reported from Bukayr ibn 'Āmir who said: "Palm trees (dates) should not be sold until they turn red or yellow."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ بُكَيْرِ بْنِ عَامِرٍ، قَالَ: لَا تُبَاعُ النَّخْلُ حَتَّى يَحْمَرَ أَوْ يَصْفَرُ

[21817] Abū Bakr reported: حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: إِذَا احْمَرَّ بَعْضُهُ فَلَا بَأْسَ بِشِرَائِهِ some of it turns red, there is no harm in buying it."

[21818] Abū Bakr reported: حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنْ أُمِّ تَوْرٍ، عَنْ رَوْجِهَا بِشْرٍ، قَالَ: فُلْتُ لِابْنَ عَبَّاسٍ: مَتَى يُبَاغِظُ النَّخْلُ؟ قَالَ: إِذَا احْمَرَّ أَوْ اصْفَرَ

Wakī‘ reported from Sufyān from Jābir from Umm Thawr from her husband Bishr who said: I asked Ibn ‘Abbās: "When are dates sold?" He said: "When they turn red or yellow."

[21819] Abū Bakr reported: ‘Abd al-A‘lā reported from Ma‘mar from Al-Zuhri that Zayd ibn Thābit said: "Do not buy fruit until the Pleiades (Al-Thurayya) rises." Al-Zuhri said: I mentioned that to Sālim ibn ‘Abdullāh, and he said: "The blight occurs after the rising of the Pleiades."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، أَنَّ زَيْدَ بْنَ ثَابِتٍ، قَالَ: لَا تَبْتَاعُوا الشَّمْرَةَ حَتَّى تَطْلُعَ التُّرَيَا. قَالَ الزُّهْرِيُّ: فَذَكَرْتُ ذَلِكَ لِسَالِمَ بْنَ عَبْدِ اللَّهِ، فَقَالَ: إِنَّ الْعَاهَةَ تَكُونُ بَعْدَ طُلُوعَ التُّرَيَا

[21820] Abū Bakr reported: Abū al-Aḥwāṣ reported from Zayd ibn Jubayr who said: A man asked Ibn ‘Umar about buying fruit. He said: "The Messenger of Allah ﷺ forbade selling fruit until its suitability appears."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ زَيْدِ بْنِ جُبَيْرٍ، قَالَ: سَأَلَ رَجُلٌ ابْنَ عُمَرَ عَنْ شِرَى التَّمَرَةِ، فَقَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ تُبَاعَ التَّمَرُّهُ حَتَّى يَبْيُوْ صَالِحًا

[21821] Abū Bakr reported: Waki‘ reported from Isrā’il from Jābir from ‘Āmir from Masrūq from ‘Umar and Ibn Mas‘ūd that they both said: "Dates should not be sold until they turn red or yellow."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، عَنْ مَسْرُوقٍ، عَنْ عُمَرَ، وَابْنِ مَسْعُودٍ أَنَّهُمَا قَالَا: لَا يُبَاعُ النَّخْلُ حَتَّى يَحْمَرَ أَوْ يَصْفَرَ

[21822] Abū Bakr reported: Kathīr ibn Hishām reported from Ja‘far ibn Burqān who said: ‘Umar ibn ‘Abd al-‘Azīz wrote that "Fruit should not be sold until its suitability appears."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا كَثِيرُ بْنُ هِشَامٍ، عَنْ جَعْفَرِ بْنِ بُرْقَانَ، قَالَ: كَتَبَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ أَنْ لَا تُبَاعَ التَّمَرُّهُ حَتَّى يَبْيُوْ صَالِحًا

[21823] Abū Bakr reported: Ibn Idrīs reported from Shu‘bah from Yazīd ibn Khumayr from a Mawla of Quraysh who said: I heard Abū Hurayrah narrating from Mu‘āwiyah who said: "The Prophet ﷺ forbade selling fruits until they are safe from every blight."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ شُعْبَةَ، عَنْ يَزِيدَ بْنِ خُمَيْرٍ، عَنْ مَوْلَى لِقْرَيْشٍ، قَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ يُحَدِّثُ عَنْ مُعَاوِيَةَ قَالَ: نَهَى النَّبِيُّ عَلَيْهِ السَّلَامُ عَنْ بَيْعِ التَّمَارِ، حَتَّى تُحْرَرَ مِنْ كُلِّ عَارِضٍ

[21824] Abū Bakr reported: Abū Usāmah reported from ‘Abd al-Rahmān ibn Yazīd who said: Al-Qāsim and Makhūl narrated to us from Abū Umāmah who said: "The Prophet ﷺ forbade selling fruit until its suitability appears."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ، قَالَ: حَدَّثَنَا الْفَاسِمُ، وَمَكْحُولٌ، عَنْ أَبِي أَمَامَةَ، قَالَ: نَهَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيْعِ الثَّمَرَةِ حَتَّى يَبْلُو صَلَاحُهَا

[21825] Abū Bakr reported: ‘Alī ibn Hāshim reported from Ibn Abī Laylā from ‘Atīyyah from Abū Sa‘īd from the Prophet ﷺ who said: "Do not buy fruit before its suitability appears." They said: "What is the appearance of its suitability?" He said: "Until its blight goes away and its goodness is pure."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ هَاشِمٍ، عَنْ ابْنِ أَبِي لَيْلَى، عَنْ عَطِيَّةَ، عَنْ أَبِي سَعِيدٍ، عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: لَا تَبْتَاعُوا الثَّمَرَةَ قَبْلَ أَنْ يَبْدُوا صَلَاحُهَا فَلْوَا: وَمَا بُدُّوا صَلَاحُهَا؟ قَالَ: حَتَّى تَذَهَّبَ عَاهَتُهَا وَيَخْلُصُ طِيبُهَا

[21826] Abū Bakr reported: Ya‘lā ibn ‘Ubayd reported: Fuḍayl ibn Ghazwān reported from Ibn Abī Nu‘m from Abū Hurayrah: "That the Prophet ﷺ forbade selling fruit until its suitability appears."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَعْلَى بْنُ عُبَيْدٍ، قَالَ: حَدَّثَنَا فُضَيْلُ بْنُ غَزْوَانَ، عَنْ ابْنِ أَبِي نُعِيمَ، عَنْ أَبِي هَرَيْرَةَ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنْ بَيْعِ الثَّمَرَةِ حَتَّى يَبْدُو صَلَاحُهَا

[21827] Abū Bakr reported: Abū Mu‘āwiyah reported from ‘Ubaydullāh from Nāfi‘ from Ibn ‘Umar who said: "He (the master) takes whatever he wishes from the wealth of his slave."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ عُبَيْدِ اللَّهِ،
عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، قَالَ: يَأْخُذُ مِنْ مَالِ مَمْلُوكِهِ مَا
شَاءَ

[21828] Abū Bakr reported: Azhar al-Sammān reported from Ibn ‘Awn who said: Muḥammad was asked about a man taking from the wealth of his slave. He said: "I do not consider that to be from kindness (good conduct)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَزْهَرُ السَّمَانُ، عَنْ ابْنِ
عَوْنَى، قَالَ: سُئِلَ مُحَمَّدٌ عَنِ الرَّجُلِ يَأْخُذُ مِنْ مَالِ عَبْدِهِ،
فَقَالَ: لَا أَعْلَمُ ذَلِكَ مِنِ الْإِحْسَانِ

[21829] Abū Bakr reported: Shabābah reported from Ibn Abī Dhi’b from Yazid ibn ‘Abdullāh ibn Fuḍayl from Rāfi‘ ibn Khadīj, Jābir ibn ‘Abdullāh, and Abū Sa‘id al-Khudrī, who said: "Whoever has a slave who pays a fixed tax (Mukharaj) and a slave girl whom he has intercourse with, he has no right to take anything from what he gave her."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَبَابَةُ، عَنْ ابْنِ أَبِي ذِئْبٍ،
عَنْ يَزِيدِ بْنِ عَبْدِ اللَّهِ بْنِ فُضَيْلٍ، عَنْ رَافِعِ بْنِ خَدِيجٍ،
وَجَاهِيرِ بْنِ عَبْدِ اللَّهِ، وَأَبِي سَعِيدِ الْخُدْرِيِّ، قَالُوا: مَنْ
كَانَ لَهُ عَبْدٌ مُخَارَجٌ وَأَمْمَةٌ يَطْوُفُ عَلَيْهَا فَلَيْسَ لَهُ أَنْ
يَأْخُذَ مِمَّا أَعْطَاهَا شَيْئًا

[21830] Abū Bakr reported: ‘Abbād ibn al-‘Awwām reported from Huṣayn who said: ‘Umar ibn ‘Abd al-‘Azīz wrote: "A judge should not sit in the mosque where polytheists enter upon him; for they are impure." Allah the Exalted said: {Indeed the polytheists are impure} [Al-Tawbah: 28].

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ حُصَيْنٍ، قَالَ: كَتَبَ عُمَرُ بْنُ عَبْدِ الْعَزِيزَ: لَا يَقْعُدُنَّ قاضٌ فِي الْمَسْجِدِ يَدْخُلُ عَلَيْهِ فِيهِ الْمُشْرِكُونَ؛ فَإِنَّهُمْ نَجَسٌ، قَالَ اللَّهُ تَعَالَى: {إِنَّمَا الْمُشْرِكُونَ نَجَسٌ} [التوبه: 28]

[21831] Abū Bakr reported: Ibn Maḥdī reported from Al-Muthannā from Sa‘īd who said: "I saw Al-Ḥasan and Zurārah ibn Awfā judging in the courtyard outside the mosque."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ الْمُنْتَنَى، عَنْ سَعِيدٍ، قَالَ: رَأَيْتُ الْحَسَنَ، وَرُزَارَةَ بْنَ أَوْفَى يَقْضِي فِي الرَّحْبَةِ خَارِجًا مِنَ الْمَسْجِدِ

[21832] Abū Bakr reported: Ibn Maḥdī reported: ‘Abd al-Rahmān ibn Qays told us: "I saw Yaḥyā ibn Ya‘mar judging in the mosque." Abū Bakr reported: Ismā‘īl ibn Abī Khālid reported: "I saw Shurayḥ judging in the mosque."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ فَيْسٍ، قَالَ: رَأَيْتُ يَحْيَى بْنَ يَعْمَرَ يَقْضِي فِي الْمَسْجِدِ حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَنْ إِسْمَاعِيلِ بْنِ أَبِي حَالِدٍ، قَالَ: رَأَيْتُ شُرَيْحًا يَقْضِي فِي الْمَسْجِدِ

[21833] Abū Bakr reported: Wakī‘ reported from Sufyān from Al-Ja‘d ibn Dhakwān from Shurayḥ: "That if it was a rainy day, he would judge in his house."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ الْجَعْدِ بْنِ دَكْوَانَ، عَنْ شُرَيْحٍ: أَنَّهُ كَانَ إِذَا كَانَ يَوْمٌ مَطَرٌ قَضَى فِي دَارِهِ

[21834] Abū Bakr reported: Ibn Mahdī reported from Ibn ‘Uyaynah who said: "I saw Al-Ḥasan judging in the mosque."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيًّا، عَنْ ابْنِ عَيْنَةَ،
قَالَ: رَأَيْتُ الْحَسَنَ يَقْضِي فِي الْمَسْجِدِ

[21835] Abū Bakr reported: Ibn ‘Ulayyah reported from Ma‘mar from Al-Zuhrī and Qatādah who said: "The People of the Book, the slave, and the child, if they possess testimony, and the People of the Book convert to Islam, the slave is freed, and the child matures, their testimony is valid unless it was rejected while they were in that state."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عَلَيْهِ، عَنْ مَعْمَرٍ، عَنِ
الزُّهْرِيِّ، وَقَنَادَةَ، قَالَا: أَهْلُ الْكِتَابِ وَالْعَبْدُ، وَالصَّبِيُّ،
إِذَا كَانَتْ عِنْدُهُمْ شَهَادَةً فَأَسْلَمَ أَهْلُ الْكِتَابِ، وَأَعْتَقَ
الْعَبْدَ، وَشَبَّ الصَّبِيُّ، فَشَهَادَتْهُمْ جَائِزَةً إِلَّا أَنْ تَكُونَ
رُدَّتْ وَهُمْ كَذَلِكَ

[21836] Abū Bakr reported: ʻIsā ibn Yūnus reported from Al-Awzā’ī from Al-Zuhrī regarding a slave who gives testimony and it is rejected, then he is freed. He said: "It is not valid."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُوسُفَ، عَنِ
الْأُوزَاعِيِّ، عَنِ الزُّهْرِيِّ، فِي الْعَبْدِ يَشْهُدُ بِالشَّهَادَةِ فَيَرَدُ
لَهُمْ يَعْنِقُ، قَالَ: لَا تَجُوَزُ

[21837] Abū Bakr reported: Mu‘ādh ibn Mu‘ādh reported from Ash‘ath from Al-Hasan that he used to say regarding a slave and a Dhimmī who testified and their testimony was rejected, then this one was freed and that one accepted Islam, that their testimony becomes valid.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعَاذُ بْنُ مُعَاذٍ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، أَنَّهُ كَانَ يَقُولُ: فِي الْعَبْدِ وَالدِّمْيَ إِذَا شَهَدَا فَرُدَّتْ شَهَادَتُهُمَا، ثُمَّ أَعْتَقَهُمَا وَأَسْلَمَهُمَا ثُجُورُ شَهَادَتُهُمَا

[21838] Abū Bakr reported: Waki‘ reported from Shu‘bah from Al-Ḥakam from Ibrāhīm regarding a slave who testified and his testimony was rejected, then he was freed. He said: "It is not valid." Al-Ḥakam said: "It is valid."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا شَهَدَ الْعَبْدُ فَرُدَّتْ شَهَادَتُهُ ثُمَّ أَعْتَقَ قَالَ: لَا ثَجُورُ، وَقَالَ الْحَكَمُ: ثَجُورُ

[21839] Abū Bakr reported: Ibn Mahdī reported from Abū ‘Awānah from ‘Umar ibn Abī Salamah from his father who said: "If a slave testifies and his testimony is rejected, then he is freed, it is not valid."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ أَبِي عَوَانَةَ، عَنْ عُمَرَ بْنِ أَبِي سَلَمَةَ، عَنْ أَبِيهِ قَالَ: إِذَا شَهَدَ الْعَبْدُ فَرُدَّتْ شَهَادَتُهُ ثُمَّ أَعْتَقَهُ لَا ثَجُورُ

[21840] Abū Bakr reported: Ibn Mahdī reported from Ḥammād ibn Salamah from Qatādah from Shurayḥ who said: "If a slave testifies and his testimony is rejected, then he is freed, it is not valid."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ قَتَادَةَ، عَنْ شُرَيْحٍ، أَنَّهُ قَالَ: إِذَا شَهَدَ الْعَبْدُ فَرُدَّتْ شَهَادَتُهُ لَمْ يُعْنِقْ قَالَ: فَإِنَّهَا لَا تَجُوزُ

[21841] Abū Bakr reported: Ibn Mahdī reported: Ḥammād ibn Salamah reported from ‘Abd al-Karīm from ‘Amr ibn Shu‘ayb and ‘Aṭā’ that ‘Umar ibn al-Khaṭṭāb said regarding the Jew, the Christian, and the slave: "Their testimony is

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ قَالَ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ، عَنْ عَبْدِ الْكَرِيمِ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، وَعَطَاءً، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، قَالَ: فِي الْيَهُودِيِّ وَالنَّصَرَانِيِّ وَالْعَبْدِ: فَشَهَادَتُهُمْ جَائِزَةٌ

[21842] Abū Bakr reported: ʻIsā ibn Yūnus reported from Al-Awzā‘ī who said: Ibn Surāqah told us that Abū ‘Ubaydah ibn al-Jarrāḥ wrote to the people of Dayr Tayāyā: "I have granted you security for your blood, your properties, and your churches, that they not be destroyed or inhabited, as long as you do not introduce an innovation or shelter an innovator seeking harm. If you innovate or shelter an innovator seeking harm, then the covenant is absolved from you. You are obligated to host guests for three days. Our covenant is absolved from any harm caused by the army. Witnessed by Khālid ibn al-Walīd, Yazīd ibn Abī Sufyān, Shurahbīl ibn Ḥasanah, and Quḍā‘ī ibn ‘Āmir, and he wrote it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنِ الْأَوْزَاعِيِّ، قَالَ: حَدَّثَنَا أَبْنُ سُرَاقَةَ، أَنَّ أَبَا عُبَيْدَةَ بْنَ الْجَرَاحَ كَتَبَ لِأَهْلِ دِيرٍ طَبَّاِيَا: أَنِّي أَمْنَثْتُمْ عَلَى دِمَائِكُمْ وَأَمْوَالِكُمْ وَكَنَائِسِكُمْ أَنْ تُخَرَّبَ أَوْ تُسْكَنَ مَا لَمْ تُحْدِثُوا أَوْ تُنْوَى مُحْدِثًا مَغِيلَةً، فَإِنْ أَنْتُمْ أَحَدَثَنُتُمْ أَوْ أَوْيَثُمْ مُحْدِثًا مَغِيلَةً فَقَدْ بَرَأْتُ مِنْكُمُ الدَّمَّةَ، وَإِنَّ عَلَيْكُمْ إِنْزَالُ الضَّيْفِ ثَلَاثَةَ أَيَّامٍ، وَإِنَّ دِمَائَنَا بَرِيءَةٌ مِنْ مَعْرَةِ الْجَبَشِ، شَهَدَ حَالِدُ بْنُ الْوَلِيدِ، وَيَزِيدُ بْنُ أَبِي سُفْيَانَ، وَسُرَحَبِيلُ ابْنُ حَسَنَةَ، وَقُضَاعِي بْنُ عَامِرٍ، وَكَتَبَ

[21843] Abū Bakr reported: Ibn ‘Uyaynah reported from ‘Amr ibn Dīnār who said: ‘Umar ibn al-Khaṭṭāb passed by a scribe writing between people and making more than two witnesses testify. He forbade him. Then he passed by him later and said: "Did I not forbid you?" The man said: "You obeyed Allah, but I disobeyed you." In the document of ‘Umar, ‘Abdullāh ibn al-Arqam and Mu‘aytib witnessed, and in the document of ‘Alī, so-and-so and so-and-so witnessed and wrote.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيْنَةَ، عَنْ عَمْرُو بْنِ دِينَارٍ، قَالَ: مَرَّ عُمَرُ بْنُ الْخَطَّابِ بِكَاتِبٍ يَكْتُبُ بَيْنَ النَّاسِ وَهُوَ يُشَهِّدُ أَكْثَرَ مِنْ اثْنَيْنِ، فَلَهَا، ثُمَّ مَرَّ بَعْدَهُ، فَقَالَ: أَلَمْ أَنْهَاكَ؟ فَقَالَ الرَّجُلُ: أَطْعَنَّ اللَّهَ وَعَصَيْتُكَ، وَكَانَ فِي صُنْدُقَةِ عُمَرَ شَهَدَ عَبْدُ اللَّهِ بْنُ الْأَرْقَمَ، وَمُعَيْنَيْبُ وَكَانَ فِي صُنْدُقَةِ عَلَيِّ شَهَدَ فُلَانُ وَفُلَانٌ وَكَتَبَ

[21844] Abū Bakr reported: Ibn Mahdī reported from Abū al-Jarrāḥ who said: Mūsā ibn Sālim told me: "When Al-Ḥajjāj exiled the people of the land, a woman came to me with a document claiming that her father freed her: 'This is what Ṭalḥah ibn ‘Ubaydullāh bought from so-and-so; he bought from him a young girl for a dinar or a dirham for five hundred dirhams, in good, excellent, and fine condition. He paid him the price and freed her not for the sake of Allah, so no one has any claim on her except the claim of Wala' (allegiance). Witnessed by Al-Zubayr ibn al-‘Awwām, ‘Abdullāh ibn ‘Āmir, and Ziyād.'"

[21845] Abū Bakr reported: Ḥafṣ reported from Ash‘ath from Al-Sha‘bī who said: "If a man buys a slave girl and she has a defect, and another defect occurs while she is with him." He said: "The latter invalidates the former (right to return)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ أَبِي الْجَرَاحِ،
قَالَ: حَدَّثَنِي مُوسَى بْنُ سَالِمٍ، قَالَ: "لِمَّا أَجْلَى الْحَجَاجُ
أَهْلَ الْأَرْضِ أَتَتْنِي امْرَأَةٌ بِكِتَابٍ زَعَمَتْ أَنَّ الَّذِي
أَعْنَقَهَا أَبُوهَا: هَذَا مَا اشْتَرَى طَلْحَةُ بْنُ عُبَيْدِ اللَّهِ مِنْ
فُلَانٍ، اشْتَرَى مِنْهُ فَتَاهَ دِينَارٍ أَوْ دِرْهَمٍ بِخَمْسِيَّانَةِ
دِرْهَمٍ، بِالْجَيْدِ وَالْطَّيْبِ وَالْحَسَنِ وَقَدْ دَفَعَ إِلَيْهِ التَّمَنَّ
فَأَعْنَقَهُ فَلَيْسَ لِوَجْهِ اللَّهِ فَلَيْسَ لِأَحَدٍ عَلَيْهِ سَبِيلٌ إِلَّا سَبِيلُ
الْوَلَاءِ، فَشَهَدَ الرُّبَّيرُ بْنُ الْعَوَامِ، وَعَبْدُ اللَّهِ بْنُ عَامِرٍ،
وَزِيَادُ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنْ
الشَّعْبِيِّ، قَالَ: إِذَا اشْتَرَى الرَّجُلُ الْجَارِيَةَ عِنْدَهُ وَبِهَا
عَيْبٌ وَحَدَّثَ بِهَا عَيْبٌ آخَرُ قَالَ: أَبْطَلَ الْآخَرُ الْأُولَئِكَ

[21846] Abū Bakr reported: ‘Abd al-A’lā reported from Ma’mar from Al-Zuhrī that he used to say: "If a disease occurs with him other than what was concealed from him, it remains with him, and he deducts from him (the seller) whatever that disease diminishes from its price."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمِرٍ، عَنِ الرُّهْرِيِّ، أَنَّهُ كَانَ يَقُولُ: إِذَا حَدَثَ عِنْدُهُ دَاءٌ غَيْرُ الَّذِي دَلَّسَ لَهُ فَإِنَّهُ يَمْضِي عِنْدُهُ وَيَضَعُ عَنْهُ مَا يَضَعُ ذَلِكَ الدَّاءُ مِنْ تَمْنَاهُ

[21847] Abū Bakr reported: Wakī‘ reported from Sufyān from Hammād from Ibrāhīm who said: It used to be said: "The defect is returned with its defect. If a new defect occurs, it is from the buyer's wealth, and the seller returns the value of the sold item."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: كَانَ يُقَالُ: يُرْدُ الدَّاءُ بِذَائِهِ، فَإِنْ حَدَثَ عَيْنٌ فَهُوَ مِنْ مَالِ الْمُشْتَرِيِّ، وَيُرْدُ الْبَائِعُ قِيمَةَ الْمَبَيعِ

[21848] Abū Bakr reported: Wakī‘ reported from Sufyān from Hishām from Ibñ Sirīn who said: "It is from the buyer's wealth, and the seller returns the value of the defect."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ هِشَامٍ، عَنْ ابْنِ سِيرِينَ، قَالَ: هُوَ مِنْ مَالِ الْمُشْتَرِيِّ، وَيُرْدُ الْبَائِعُ قِيمَةَ الْعَيْنِ

[21849] Abū Bakr reported: Jarīr reported from Abū Sinān from ‘Abdullāh ibn al-Ḥārith who said: A man passed by a group including the Messenger of Allah ﷺ with a garment—I think he said: being auctioned. Some of them said to him: "For how much did you buy it?" I think he said: "It is with a profit on its price." Then he said: "You lied," while the Messenger of Allah ﷺ was among them. He returned and said: "O Messenger of Allah, I bought it for such and such, less than what it was." The Messenger of Allah ﷺ said to him: "Give the surplus in charity."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ أَبِي سِنَانٍ، عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ، قَالَ: مَرَّ رَجُلٌ بِقَوْمٍ فِيهِمْ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَمَعَهُ تَوْبَةً، أَرَاهُ قَالَ: هُوَ بِزِيادةٍ عَلَى ثَمَنِهِ، ثُمَّ قَالَ: كَذَبْتَ، وَفِيهِمْ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَرَجَعَ فَقَالَ: يَا رَسُولَ اللَّهِ ابْتَغْهُ بِكَدَّا وَكَذَا بِذُونِ مَا كَانَ، فَقَالَ لَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: تَصَدِّقْ بِالْفَضْلِ

[21850] Abū Bakr reported: Jarīr reported from Mughīrah from Ibrāhīm that he disliked Salam (advance payment) in meat.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ أَنَّهُ: كَرِهَ السَّلَمَ فِي الْلَّحْمِ

[21851] Abū Bakr reported: Ḥafṣ reported from Ash‘ath from Al-Hasan who said: "There is no harm in Salam in heads if he sees it as a known quantity."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُ، عَنْ أَشْعَثَ، عَنْ الْحَسَنِ، قَالَ: لَا بَأْسَ بِالسَّلَمِ فِي الرُّؤُوسِ إِذَا رَأَاهُ قَدْرًا مَعْلُومًا

[21852] Abū Bakr reported: حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعَمِّرُ بْنُ سُلَيْمَانَ، عَنْ ابْنِ عَمْرِو، عَنْ قَيْسِ بْنِ سَعْدٍ، عَنْ طَلَوْسِ أَنَّهُ: كَرَهَ الْلَّحْمَ بِالْقَدِيدِ نَسِيَّةً
Mu'tamir ibn Sulaymān reported from Ibn 'Amr from Qays ibn Sa'd from Ṭāwūs that he disliked [selling] meat for dried meat on credit.

[21853] Abū Bakr reported: Yahyā ibn Ādām reported: Sufyān reported from Ibn Jurayj from 'Atā' that he saw no harm in Salam in meat if it had a known limit.

[21854] Abū Bakr reported: Hafṣ reported from Layth from Ṭāwūs that he disliked wearing silk and fine Sābirī (cloth) and trading in

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ لَيْثٍ، عَنْ طَلَوْسِ: أَنَّهُ كَرَهَ لِبْسَ الْحَرِيرِ وَالسَّابِرِيِّ الرَّقِيقِ وَالْحَجَارَةَ فِيهِما

[21855] Abū Bakr reported: Wakī' reported from Mālik ibn Mighwal who said: I heard Azhar asking 'Atā' about selling thin headcovers. He disliked it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مَالِكِ بْنِ مَغْوِلٍ، قَالَ: سَمِعْتُ أَزْهَرَ، سَأَلَ عَطَاءً عَنْ بَيْعِ الْخُمُرِ الرَّفَاقِ: فَكَرِهَهَا

[21856] Abū Bakr reported: Wakī' reported from Sufyān from Abū Ishāq who said: 'Atā' said: "Silk is more beloved to me than Sābirī."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ أَبِي إِسْحَاقَ، قَالَ: قَالَ عَطَاءُ: الْحَرِيرُ أَحَبُّ إِلَيَّ مِنَ السَّابِرِيِّ

[21857] Abū Bakr reported: ‘Abd al-Salām reported from Yazīd ibn ‘Abd al-Rahmān al-Dālānī from Ibrāhīm al-Šā’igh from Nāfi‘ from Ibn ‘Umar regarding a slave shared between two men, where one of them freed his share. He said: "He must free the rest of him. If he does not have enough, the slave strives for the remainder of his price, and they share in the Wala' (allegiance)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ، عَنْ يَزِيدَ بْنِ عَبْدِ الرَّحْمَنِ الدَّالَّانِيِّ، عَنْ إِبْرَاهِيمَ الصَّائِعِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، فِي عَبْدٍ بَيْنَ اثْنَيْنِ فَأَعْنَقَ أَحَدُهُمَا نَصِيبَهُ قَالَ: عَلَيْهِ أَنْ يُعْنِقَ بَقِيَّتَهُ، فَإِنْ لَمْ يَكُنْ عِنْدَهُ سَعَى الْعَبْدُ فِي بَقِيَّةِ ثَمَنِهِ، وَكَانُوا شُرَكَاءَ فِي الْوَلَاءِ

[21858] Abū Bakr reported: Ḥafṣ reported from Ash‘ath from Al-Hasan who said: "If he is wealthy, he guarantees (the rest), and the Wala' is his. If he is insolvent, the slave strives, and the Wala' is between them."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُ، عَنْ أَشْعَثَ، عَنْ الْحَسَنِ، قَالَ: إِنْ كَانَ مُوسِرًا ضَمِنَ، وَكَانَ الْوَلَاءُ لَهُ، وَإِنْ كَانَ مُعْسِرًا سَعَى الْعَبْدُ، وَكَانَ الْوَلَاءُ بَيْنَهُمَا

[21859] Abū Bakr reported: Ibn Abī Zā’idah reported from Zakariyyā from ‘Āmir who said: "The slave strives, and the Wala' belongs to the one who freed him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ زَكَرِيَّا، عَنْ عَامِرٍ، قَالَ: يَسْعَى الْعَبْدُ وَالْوَلَاءُ يَكُونُ لِلَّذِي أَعْنَقَ

[21860] Abū Bakr reported: Waki‘ reported from Sufyān from Ḥammād regarding a slave shared between two men, where one freed him. He said: "The Wala' is between them, meaning if the slave strives."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ حَمَادٍ، فِي عَبْدٍ كَانَ بَيْنَ رَجُلَيْنِ فَأَعْنَتْهُ أَحَدُهُمَا قَالَ: الْوَلَاءُ بَيْنَهُمَا، يَعْنِي إِذَا اسْتَسْعَى الْعَبْدُ

[21861] Abū Bakr reported: Muḥammad ibn Bishr reported from ‘Alī ibn Ṣalih from Mughīrah from Ibrāhīm who said: "The Wala' belongs to the one who freed him, whether the slave strove or not."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ، عَنْ عَلَيِّ بْنِ صَالِحٍ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: الْوَلَاءُ لِلَّذِي أَعْنَقَ سَعَى الْعَبْدُ أَوْ لَمْ يَسْعَ

[21862] Abū Bakr reported: ‘Alī ibn Mushir reported from Al-Shaybānī who said: Ḥabīb, who used to stand by Shurayḥ's head, informed me: "That he imprisoned his son ‘Abdullāh for a guarantee he made for a man with his own self."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ، عَنْ الشَّيْبَانِيِّ، قَالَ: أَخْبَرَنِي حَبِيبُ الدِّيْنِ كَانَ يَقُولُ عَلَى رَأْسِ شُرَيْحٍ: أَنَّهُ حَبَسَ ابْنَهُ عَبْدَ اللَّهِ فِي كَفَلَةٍ لِرَجُلٍ كَفَلَ لَهُ بِنَفْسِهِ

[21863] Abū Bakr reported: Sahl ibn Yūsuf reported from Shu‘bah from Al-Ḥakam who said: "If the slave is under tax (paying tax to master) and buys something, it is upon his neck (liability)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سَهْلُ بْنُ يُوسُفَ، عَنْ شُعْبَةَ، عَنْ الْحَكَمِ، قَالَ: إِذَا كَانَ الْعَلَامُ فِي الضَّرِبَةِ فَإِشْتَرَى بَيْعًا فَفِي رَقْبَتِهِ

[21864] Abū Bakr reported: Hushaym reported from Mughīrah from Al-Ḥārith and Ḥammād: "That if a man agrees with his slave on a tax, he has given him permission."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنِ الْحَارِثِ، وَهَمَادٍ: أَنَّ الرَّجُلَ إِذَا قَاطَعَ مَمْلُوكَهُ عَلَى الضَّرَبَيْةِ فَقَدْ أَذِنَ لَهُ

[21865] Abū Bakr reported: ‘Abdah ibn Sulaymān reported from Yahyā ibn Sa‘īd from Sa‘īd ibn al-Musayyib who said: "The Mudabbar (freed upon death) is from the third (of the estate)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: الْمُدَبَّرُ مِنَ الْثُلُثِ

[21866] Abū Bakr reported: ‘Abbād ibn al-‘Awwām reported from Hishām from Al-Ḥasan and Muḥammad who said: "The Mudabbar is from the third."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، وَمُحَمَّدٍ، قَالَا: الْمُدَبَّرُ مِنَ الْثُلُثِ

[21867] Abū Bakr reported: Ibn Idrīs reported from Ash‘ath from Al-Sha‘bī that ‘Alī used to make the Mudabbar from the third, and that ‘Āmir used to make him from the third.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ أَشْعَثَ، عَنِ الشَّعْبِيِّ، أَنَّ عَلَيًّا: كَانَ يَجْعَلُ الْمُدَبَّرَ مِنَ الْثُلُثِ، وَأَنَّ عَامِرًا كَانَ يَجْعَلُهُ مِنَ الْثُلُثِ

[21868] Abū Bakr reported: Ibn Idrīs reported from Ibn Abjar from Al-Sha'bī from Shurayḥ who said: "He is from the third." Masrūq said: "He is cleared from the entire wealth."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ ابْنِ أَبْجَرَ،
عَنِ الشَّعْبِيِّ، عَنْ شُرَيْحٍ، قَالَ: هُوَ مِنَ الْثَّلَاثِ، وَقَالَ
مَسْرُوقٌ: هُوَ فَارِغٌ مِنْ جَمِيعِ الْمَالِ

[21869] Abū Bakr reported: Jarīr reported from Maṇṣūr, Muḡīrah, and Al-A'mash from Ibrāhīm who said: "The Mudabbar is from the third."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ،
وَمُغَيْرَةً، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، قَالَ: الْمُذَبَّرُ مِنَ
الْثَّلَاثِ

[21870] Abū Bakr reported: Waki' reported: Sufyān reported from Khālid from Abū Qilābah that the Prophet ﷺ said: "The Mudabbar is from the third."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ خَالِدٍ، عَنْ أَبِي قَلَابَةَ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ
وَسَلَّمَ قَالَ: الْمُذَبَّرُ مِنَ الْثَّلَاثِ

[21871] Abū Bakr reported: ʻIsā ibn Yūnus reported from Al-Awzā'ī from Al-Zuhrī who said: "The Mudabbar is from the third."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنِ
الْأُورَاعِيِّ، عَنِ الزُّهْرِيِّ، قَالَ: الْمُذَبَّرُ مِنَ الْثَّلَاثِ

[21872] Abū Bakr reported: Abū Mu'awiyah reported from Al-A'mash from Ibrāhīm from Shurayḥ who said: "The Mudabbar is from the third."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعاوِيَةَ، عَنِ الْأَعْمَشِ،
عَنْ إِبْرَاهِيمَ، عَنْ شُرَيْحٍ، قَالَ: الْمُذَبَّرُ مِنَ الْثَّلَاثِ

[21873] Abū Bakr reported: Ḥadīṭa ՚Abū Bakr ՚Ukayl, ’An rabi’ū, ’An Abī Waki’ reported from Al-Rabī’ from Abū Bishr from Sa’id ibn Jubayr who said: "He is from the entire wealth."

[21874] Abū Bakr reported: Ḥadīṭa Shabābah, ’An Shub’ah, ’An Hammād, Qal: al-mudibr min jāmi‘ al-mal Shabābah reported from Shu’bah from Ḥammād who said: "The Mudabbar is from the entire wealth."

[21875] Abū Bakr reported: Ḥadīṭa Shādān, Qal: Ḥadīṭa Yakhī bñ Ḥamzah, ’An al-’ulā’, wa l-’umān, ’An Makhūl, Qal: al-mudibr min al-thlث Shādhān reported: Yaḥyā ibn Hamzah reported from Al-’Alā’ and Al-Nu’mān from Makhūl who said: "The Mudabbar is from the third."

[21876] Abū Bakr reported: Ḥadīṭa ՚Ukayl, ’An Zarkiriyā, ’An ՚Amir, Qal: al-mudibr min al-thlث Waki’ reported from Zakariyyā from ՚Amir who said: "The Mudabbar is from the third."

[21877] Abū Bakr reported: Ismā’il ibn ‘Ayyāsh reported from ‘Amr ibn Muḥājir who said: ‘Umar ibn ‘Abd al-’Azīz wrote regarding the shroud that: "It is from the head of the total wealth, not from the third."

[21878] Abū Bakr reported: Ḥafṣ reported from Ismā‘il ibn Abī Khālid from Al-Ḥakam from Ibrāhīm who said: "The shroud is from the entire wealth."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنِ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، قَالَ: الْكَفْنُ مِنْ جَمِيعِ الْمَالِ

[21879] Abū Bakr reported: Ibn ‘Ulayyah reported from Layth from Ṭāwūs who said: "If the wealth is abundant, it is from the entire wealth. If it is little, it is from the third."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّهُ، عَنْ لَيْثٍ، عَنْ طَاؤُسٍ، قَالَ: إِنْ كَانَ الْمَالُ كَثِيرًا فَمِنْ جَمِيعِ الْمَالِ، وَإِنْ كَانَ قَلِيلًا فَمِنَ الثُّلُثِ

[21880] Abū Bakr reported: Ibn Idrīs reported from Hishām from Al-Ḥasan and Muḥammad who said: "The shroud is from the entire wealth."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، وَمُحَمَّدٍ، قَالَا: الْكَفْنُ مِنْ جَمِيعِ الْمَالِ

[21881] Abū Bakr reported: Ibn Idrīs reported from ‘Uthmān ibn al-Aswad from Mujāhid who said: "The shroud is from the entire wealth."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ عُثْمَانَ بْنِ الْأَسْوَدِ، عَنْ مُجَاهِدٍ، قَالَ: الْكَفْنُ مِنْ جَمِيعِ الْمَالِ

[21882] Abū Bakr reported: Ibn Fuḍayl reported from Al-‘Alā’ ibn al-Musayyib from Ḥammād who said: "The shroud is from the head of the total wealth, not from the third nor from anything else."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنِ الْعَلَاءِ بْنِ الْمُسَيْبِ، عَنْ حَمَادٍ، قَالَ: الْكَفْنُ مِنْ رَأْسِ جُمْلَةِ الْمَالِ، لَا مِنَ الْتُّلُّ وَلَا مِنْ غَيْرِهِ

[21883] Abū Bakr reported: Muḥammad ibn Bishr reported from Shu‘bah from Qatādah from Sa‘īd ibn al-Musayyib and Al-Ḥasan who said: "The shroud is from the entire wealth."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ، عَنْ شُعْبَةَ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، وَالْحَسَنَ، قَالَا: الْكَفْنُ مِنْ جَمِيعِ الْمَالِ

[21884] Abū Bakr reported: Waki‘ reported from Sa‘īd ibn al-Musayyib from Qatādah from Khilās who said: "The shroud is from the third." Sa‘īd ibn al-Musayyib said: "From the entire wealth."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، عَنْ قَتَادَةَ، عَنْ خَلَاسٍ، قَالَ: الْكَفْنُ مِنَ الْتُّلُّ، وَقَالَ سَعِيدُ بْنُ الْمُسَيْبِ: مِنْ جَمِيعِ الْمَالِ

[21885] Abū Bakr reported: Waki‘ reported from Shu‘bah from Al-Ḥakam who said: "The shroud is from the entire wealth."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنِ الْحَكَمَ، قَالَ: الْكَفْنُ مِنْ جَمِيعِ الْمَالِ

[21886] Abū Bakr reported: Abū Khālid al-Aḥmar reported from Ash‘ath from Jahm from Ibrāhīm who said: "From the entire wealth."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدُ الْأَحْمَرُ، عَنْ أَشْعَثَ، عَنْ جَهْمٍ، عَنْ إِبْرَاهِيمَ، قَالَ: مِنْ جَمِيعِ الْمَالِ

[21887] Abū Bakr reported: Yahyā ibn Yamān reported from Sufyān from Abū Qilābah who said: "The shroud is from the entire wealth."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ يَمَانٍ، عَنْ سُفْيَانَ، عَنْ أَبِي قِلَابَةَ، قَالَ: الْكَفْنُ مِنْ جَمِيعِ الْمَالِ

[21888] Abū Bakr reported: Wakī‘ reported from Sufyān from Firās from ‘Āmir who said: "The woman is shrouded from her

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ فِرَاسٍ، عَنْ عَامِرٍ، قَالَ: لَكَفْنُ الْمَرْأَةِ مِنْ نَصِيبِهَا

[21889] Abū Bakr reported: Shabābah reported: Shu‘bah reported from Al-Ḥakam from Ibrāhīm who said: "The shroud is from the entire wealth."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَبَابَةُ، قَالَ: حَدَّثَنَا شُعْبَةُ، عَنْ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، قَالَ: الْكَفْنُ مِنْ جَمِيعِ الْمَالِ

[21890] Abū Bakr reported: Muḥammad ibn ‘Adī reported from Sa‘īd from Qatādah from Khilās who said: "He is shrouded from the third."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ عَدِيٍّ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ خَلَاسٍ، قَالَ: يُكَفَّنُ مِنَ الْثُلُثِ

[21891] Abū Bakr reported: Waki‘ reported: Al-A‘mash reported from Zuhayr al-‘Ansī that a man picked up a foundling and brought him to ‘Alī, and he freed him.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْأَعْمَشُ، عَنْ زُهْيِرِ الْعَسْبِيِّ، أَنَّ رَجُلًا أَلْقَطَ لَقِيقَةً فَأَتَى بِهِ عَلَيْهَا فَأَعْنَقَهُ

[21892] Abū Bakr reported: Ibn ‘Uyaynah reported from Al-Zuhri who heard Sunayn Abū Jamīlah saying: I found an abandoned baby. My overseer mentioned it to ‘Umar, so I went to him. He said: "He is free, his Wala’ is yours, and his suckling is upon us."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، سَمِعَ سُنَيْنَا أَبَا جَمِيلَةَ، يَقُولُ: وَجَدْتُ مَنْتُوذًا فَذَكَرَهُ عَرِيفٌ لِعُمَرَ، فَأَتَيْتُهُ، فَقَالَ: هُوَ حُرٌّ، وَوَلَوْهُ لَكَ وَرَضَاعَةُ عَلَيْنَا

[21893] Abū Bakr reported: Waki‘ reported from Sufyān from Mānsūr from Ibrāhīm regarding the foundling. He said: "It depends on his intention. If he intended him to be free, he is free. If he intended him to be a slave, he is a slave."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، فِي الْلَّقَبِيطِ قَالَ: أَلْهُ نِيَّتُهُ، إِنْ نَوَى أَنْ يَكُونَ حُرًّا فَهُوَ حُرٌّ، وَإِنْ نَوَى أَنْ يَكُونَ عَبْدًا فَهُوَ عَبْدٌ

[21894] Abū Bakr reported: Waki‘ reported: Sufyān reported from Al-Ḥasan ibn ‘Amr from Fuḍayl from Ibrāhīm who said: "The foundling is free."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانَ، عَنِ الْحَسَنِ بْنِ عَمْرِو، عَنْ فُضَيْلٍ، عَنْ إِبْرَاهِيمَ، قَالَ: الْلَّقَبِيطُ حُرٌّ

[21895] Abū Bakr reported: Waki‘ reported: Ibn Abī Khālid reported from ‘Āmir who said: "The foundling is free."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا ابْنُ أَبِي خَالِدٍ، عَنْ عَامِرٍ، قَالَ: الْلَّقِطُ حُرٌّ

[21896] Abū Bakr reported: Waki‘ reported: Zakariyyā reported from ‘Āmir who said: "The foundling cannot be enslaved."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا زَكَرِيَّاً، عَنْ عَامِرٍ، قَالَ: الْلَّقِطُ لَا يُسْتَرَقُ

[21897] Abū Bakr reported: Waki‘ reported: Sufyān reported from Ibn Jurayj from ‘Atā’ who said: "The foundling is free."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفِيهَانَ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: الْلَّقِطُ حُرٌّ

[21898] Abū Bakr reported: Waki‘ reported: Sufyān reported from ‘Amr ibn Dīnār from Al-Zuhri from a man of the Ansar that ‘Umar ibn al-Khaṭṭāb freed a foundling.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفِيهَانَ، عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ الزُّهْرِيِّ، عَنْ رَجُلٍ، مِنَ الْأَنْصَارِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ أَعْنَقَ لَقِيطًا

[21899] Abū Bakr reported: Waki‘ reported: Shu‘bah said: I asked Al-Ḥakam and Ḥammād about the foundling. They said: "He is free." Shu‘bah said: I said to Al-Ḥakam: "From whom?" He said: "From Al-Ḥasan al-Baṣrī, from ‘Alī."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا شُعْبَةُ، قَالَ: سَأَلْتُ الْحَكَمَ، وَحَمَادًا عَنِ الْلَّقِطِ، فَقَالَا: هُوَ حُرٌّ. قَالَ شُعْبَةُ: فَقُلْتُ لِلْحَكَمِ: عَمَّنْ؟ قَالَ: عَنِ الْحَسَنِ الْبَصْرِيِّ، عَنْ عَلَيِّ

[21900] Abū Bakr reported: Waki‘ reported: Sufyān reported from Zuhayr ibn Abī Thābit from Dhuhl ibn Aws from Tamīm ibn Musayḥ who said: I left the house having no children, and I found a foundling. I brought him to ‘Alī, and he attached him to his provision (or lineage, context implies provision/care).

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانَ، عَنْ زُهَيرِ بْنِ أَبِي ثَابِتٍ، عَنْ ذُهْلِ بْنِ أُوسٍ، عَنْ نَمِيمِ بْنِ مُسَيْحٍ، قَالَ: حَرَجْتُ مِنَ الدَّارِ وَلَيْسَ لِي وَلْدٌ، فَوَجَدْتُ لَقِيطًا، فَأَتَيْتُ بِهِ عَلَيْاً فَالْحَقَّةُ فِي مَائِهِ

[21901] Abū Bakr reported: Waki‘ reported: Sufyān reported from Sulaymān al-Shaybānī from Ḥawṭ from Ibrāhīm who said: ‘Umar said: "They are owned (slaves)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانَ، عَنْ سُلَيْمَانَ الشَّيْبَانِيِّ، عَنْ حَوْطِلِ، عَنْ إِبْرَاهِيمَ، قَالَ: قَالَ عُمَرُ: هُمْ مَمْلُوكُونَ

[21902] Abū Bakr reported: Waki‘ reported: Sufyān reported from Mūsā al-Juhanī who said: "I saw a child of adultery whom ‘Alī attached to his provision."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، حَدَّثَنَا سُفْيَانَ، عَنْ مُوسَى الْجُهْنَيِّ قَالَ: رَأَيْتُ وَلَدَ زِنَّا الْحَقَّةَ عَلَيْهِ فِي مَائِهِ

[21903] Abū Bakr reported: Al-Faḍl ibn Dukayn reported from ‘Abdullāh ibn Ḥabīb ibn Abī Thābit who said: A letter from ‘Umar ibn ‘Abd al-‘Azīz came to the people of Mecca stating that: "The foundling is free."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنَ، عَنْ عَبْدِ اللَّهِ بْنِ حَبِيبٍ بْنِ أَبِي ثَابِتٍ، قَالَ: جَاءَ كِتَابٌ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ إِلَى أَهْلِ مَكَّةَ: أَنَّ الْلَّاقِطَ حُرٌّ

[21904] Abū Bakr reported: Ibn Mubārak reported from Ma‘mar from Al-Zuhri from Sa‘īd ibn al-Musayyib that he disliked a man engaging in Muwāṣafah (description-based sale) for a commodity he does not possess.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ مَعْمِرٍ، عَنِ الرَّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، أَنَّهُ كَرِهَ أَنْ يُوَاصِفَ الرَّجُلُ، بِالسُّلْعَةِ لَيْسَ عِنْدَهُ

[21905] Abū Bakr reported: Ḥafṣ reported from ‘Amr from Al-Hasan: "That he used to dislike Muwāṣafah."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصُ، عَنْ عَمْرٍو، عَنِ الْحَسَنِ: أَنَّهُ كَانَ يَكْرِهُ الْمُوَاصِفَةَ

[21906] Abū Bakr reported: Wakī‘ reported: Sufyān reported from Ibn Jurayj from Zayd ibn Aslam who said: I said to Ibn ‘Umar: "A man says: 'Buy these goods and I will buy them from you.'" He disliked it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنِ ابْنِ جُرَيْجٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، قَالَ: قُلْتُ لِابْنِ عُمَرَ: الرَّجُلُ يَقُولُ: اشْتَرِ هَذَا الْبَيْعَ وَأَشْتَرِيهِ مِنْكَ فَكَرِهَهُ

[21907] Abū Bakr reported: Waki‘ reported from Al-Ḥakam from Abū al-Faḍl who said: I heard Al-Hasan being asked about a man bargaining with another for freedom (possibly goods/textiles), and he says: "I don't have it," then says: "Buy it so I can buy it from you." He disliked it and said: "This is Muwāṣafah."

[21908] Abū Bakr reported: ‘Ā’idh ibn Ḥabīb reported from Yaḥyā ibn Sa‘īd from Al-Qāsim ibn Muḥammad: "That he saw no harm in it."

[21909] Abū Bakr reported: Muḥammad ibn Muslim reported from Ibrāhīm ibn Maysarah who said: I said to Ṭāwūs: "A man bargains with me for a commodity I do not have, and says: 'Buy it and I will buy it from you.' Were it not for him, I would not have bought it." Ṭāwūs disliked it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنِ الْحَكَمِ، عَنْ أَبِي الْفَضْلِ، قَالَ: سَمِعْتُ الْحَسَنَ، وَسَأَلَهُ عَنِ الرَّجُلِ يُسَاوِمُ الرَّجُلَ بِالْحُرْيَةِ فَيَقُولُ: لَيْسَ عِنْدِي فَيَقُولُ: اشْتَرِهِ حَتَّى أَشْتَرِيهِ مِنْكَ فَكَرِهَهُ وَقَالَ: هَذِهِ الْمُوَاصَفَةُ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَائِدُ بْنُ حَبِيبٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنِ الْفَاسِمِ بْنِ مُحَمَّدٍ: أَنَّهُ لَمْ يَرِ بِهِ بَأْسًا

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ مُسْلِمٍ، عَنْ إِبْرَاهِيمِ بْنِ مَيْسَرَةَ، قَالَ: قُلْتُ لِطَاؤِسٍ: الرَّجُلُ يُسَاوِمُنِي بِالسُّلْعَةِ وَلَيْسَتْ عِنْدِي، فَيَقُولُ: اشْتَرِ وَأَشْتَرِي مِنْكَ، وَلَوْلَا مَكَانَهُ مَا اشْتَرِيَنِهَا مِنْكَ، فَكَرِهَهُ طَاؤِسٌ

[21910] Abū Bakr reported: Waki‘ reported from Sufyān from Ḥammād from Ibrāhīm regarding a man who says to another: "Buy this cloth and I will buy it from you." He disliked it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، فِي الرَّجُلِ يَقُولُ لِلرَّجُلِ: اشْتَرِ هَذَا الْبَزَّ وَأَشْتَرِيهِ مِنْكَ فَكَرِهَ

[21911] Abu Bakr said: Abu al-Ahwas told us from Abu Ishaq, from 'Ikrimah, from Ibn 'Abbas, who said: "Do not buy wool on the backs of sheep, nor milk in the udders."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ أَبِي إِسْحَاقَ، عَنْ عِكْرِمَةَ، عَنْ أَبْنِ عَبَّاسٍ، قَالَ: لَا تَبْتَاعُوا الصُّوفَ عَلَى ظُهُورِ الْغَنَمِ، وَلَا اللَّبَنَ فِي الضُّرُوعِ

[21912] Abu Bakr said: Mulazim ibn 'Amr told us from Zufar ibn Yazid, from his father, who said: I asked Abu Hurayrah about buying milk in the udders, and he forbade me from it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُلَازِمُ بْنُ عَمْرِو، عَنْ زُفَرَ بْنِ يَزِيدَ، عَنْ أَبِيهِ، قَالَ: سَأَلْتُ أَبَا هُرَيْرَةَ عَنْ شَرَى اللَّبَنِ، فِي الضُّرُوعِ فَنَهَا نِي عَنْهُ

[21913] Abu Bakr said: Hatim ibn Isma'il told us from Jahdam ibn 'Abd Allah, from Muhammad ibn Ibrahim, from Muhammad ibn Zayd, from Shahr ibn Hawshab, from Abu Sa'id, who said: "The Prophet (saw) forbade buying what is in the wombs of cattle until they give birth, and what is in their udders unless by measure."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ، عَنْ جَهْضِيمِ بْنِ عَبْدِ اللَّهِ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، عَنْ مُحَمَّدِ بْنِ زَيْدٍ، عَنْ شَهْرِ بْنِ حَوْشَبٍ، عَنْ أَبِي سَعِيدٍ، قَالَ: نَهَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ شَرَى مَا فِي بُطُونِ الْأَنْعَامِ حَتَّى تَصْنَعَ، وَعَمَّا فِي ضُرُوعِهَا إِلَّا بِكِيلٍ

[21914] Abu Bakr said: Ibn Mahdi told us from Zam'ah, from Ibn Tawus, from his father: That he disliked selling milk in the udders unless by measure.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ زَمْعَةَ، عَنْ ابْنِ طَاؤِسٍ، عَنْ أَبِيهِ، أَنَّهُ كَرِهَ بَيْعَ الْلَّبَنِ فِي الضُّرُوعِ إِلَّا كَيْلًا

[21915] Abu Bakr said: 'Abd al-A'la told us from Hisham, from Al-Hasan: That he disliked selling milk in the udders of sheep.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، عَنْ الْحَسَنِ: أَنَّهُ كَرِهَ بَيْعَ الْلَّبَنِ فِي ضُرُوعِ الشَّاءِ

[21916] Abu Bakr said: Waki' told us from Wahb ibn 'Uqbah, who said: I asked Al-Sha'bi about people who used to buy cows' milk for known days and then sell it. He said: "It is not valid except hand to hand."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ وَهْبِ بْنِ عَفْبَةَ، قَالَ: سَأَلْتُ الشَّعْبِيَّ، عَنْ قَوْمٍ كَانُوا يَبْتَاعُونَ الْبَنَانَ الْبَقَرِ أَيَّامًا مَعْلُومَةً ثُمَّ يَبْتَاعُونَهَا، فَقَالَ: لَا تَصْلُحُ إِلَّا يَدًا يَدِ

[21917] Abu Bakr said: Waki' told us: 'Umar ibn Farrukh al-Qattab told us, he heard it from Habib ibn al-Zubayr, from 'Ikrimah, who said: "The Prophet (saw) forbade selling milk in the udder of a sheep."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا عُمَرُ بْنُ فَرُوحَ الْقَتَّابِ، سَمِعَهُ مِنْ، حَبِيبِ بْنِ الرَّبِيعِ عَنْ عِكْرِمَةَ، قَالَ: نَهَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ يُبَاعُ لَبْنُ فِي ضَرْعِ الشَّاةِ

[21918] Abu Bakr said: Ishaq ibn Mansur told us: Muhammad ibn Muslim told us from Ibrahim ibn Maysarah, from Tawus and Mujahid, that they both disliked selling milk in the udders.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ، قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ مُسْلِمٍ، عَنْ إِبْرَاهِيمَ بْنِ مَيْسَرَةَ، عَنْ طَاوُسٍ، وَمُجَاهِدٍ، أَنَّهُمَا كَرِهَا بَيْعَ الْلَّبَنِ فِي الضُّرُوعِ

[21919] Abu Bakr said: 'Abd al-Rahim told us from Sulayman, from 'Abd Allah ibn Muslim, from Ibn Sabit, from 'Abd Allah ibn 'Amr, who said: "In Paradise there is a palace called 'Adn, surrounded by towers and meadows. It has five thousand gates. No one dwells in it - or enters it - except a prophet, a Siddiq (truthful one), a martyr, or a just ruler."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ سُلَيْمَانَ، عَنْ عَبْدِ اللَّهِ بْنِ مُسْلِمٍ، عَنْ ابْنِ سَابِطٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو، قَالَ: فِي الْجَنَّةِ قَصْرٌ يُذْعَى عَذْنًا، حَوْلَهُ الْبُرُوجُ، وَالْمُرُوْجُ، لَهُ خَمْسَةُ آلَافِ بَابٍ، لَا يَسْكُنُهُ أَوْ لَا يَدْخُلُهُ إِلَّا نَبِيٌّ، أَوْ صَدِيقٌ، أَوْ شَهِيدٌ، أَوْ إِمَامٌ عَادِلٌ

[21920] Abu Bakr said: Abu Khalid al-Ahmar told us from Layth, from Mujahid, who said: 'Umar said: "Three whose rights are taken lightly only by a hypocrite: A just ruler, a teacher of good, and an elder in Islam."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو حَالِدُ الْأَحْمَرُ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ، قَالَ: قَالَ عُمَرُ: "إِلَّا تَرَأَفْتُ بِحَقِّهِنَّ إِلَّا مُنَافِقٌ: إِمَامٌ مُقْسِطٌ، وَمُعَلِّمُ الْخَيْرِ، وَدُوْلَةُ الشَّيْبَةِ فِي الْإِسْلَامِ"

[21921] Abu Bakr said: Abu Usamah told us from Ash'ath, from Al-Hasan, from Qays ibn 'Abbad, who said: "The work of a just ruler for one day is better than the work of one of you for sixty days."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ أَشْعَثَ، عَنْ الْحَسَنِ، عَنْ قَيْسِ بْنِ عَبَادٍ، قَالَ: لَعْمَلَ إِمَامٌ عَادِلٌ يَوْمًا خَيْرٌ مِنْ عَمَلِ أَحَدِكُمْ سِتِّينَ يَوْمًا

[21922] Abu Bakr said: Mu'adh ibn Mu'adh told us: 'Awf told us from Ziyad ibn Mikhraq, from Abu Kinanah, from Abu Musa, who said: "Part of glorifying Allah is honoring the gray-haired Muslim, the bearer of the Quran who is not extreme regarding it nor shunning it, and honoring the just ruler."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعاذُ بْنُ مُعَاذٍ، قَالَ: حَدَّثَنَا عَوْفٌ، عَنْ زَيْدِ بْنِ مِخْرَاقٍ، عَنْ أَبِي كَنَانَةَ، عَنْ أَبِي مُوسَىٰ، قَالَ: مِنْ إِجْلَالِ اللَّهِ إِكْرَامُ ذِي الشَّيْبَةِ الْمُسْلِمِ، وَحَامِلِ الْقُرْآنِ غَيْرُ الْغَالِي فِيهِ، وَلَا الْجَافِي عَنْهُ، وَإِكْرَامُ ذِي السُّلْطَانِ الْمُقْسِطِ

[21923] Abu Bakr said: Sa'dan al-Juhani told us from Sa'd Abu Mujahid al-Ta'i, from Abu Mudillah, from Abu Hurayrah, who said: The Messenger of Allah (saw) said: “The supplication of the just ruler is not rejected.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا سَعْدُ الْجُهَنِيُّ، عَنْ سَعْدٍ أَبِي مُجَاهِدِ الطَّائِيِّ، عَنْ أَبِي مُدْلَهٍ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْإِمَامُ الْعَادِلُ لَا تُرَدُّ دَعْوَتُهُ

[21924] Abu Bakr said: Waki' told us: Sufyan told us from Mughirah, from Ibrahim, regarding people who wanted to dig a latrine or a bath in their house. He said: “It is their property; they may do whatever they wish in it.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، فِي قَوْمٍ أَرَادُوا أَنْ يَحْفَرُوا فِي دَارِهِمْ حُشَّاً أَوْ حَمَاماً، قَالَ: مُلْكُهُمْ يَصْنَعُونَ فِيهِ مَا شَاءُوا

[21925] Abu Bakr said: Yahya ibn Zakariyya ibn Abi Za'idah told us from his father, from Ibn Ashwa', that he blocked a well dug by his neighbor behind his wall.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ زَكَرِيَّا بْنُ أَبِي زَائِدَةَ، عَنْ أَبِيهِ، عَنْ ابْنِ أَشْوَعَ: أَنَّهُ سَدَ بِنْرَهَا جَارُهُ خَلْفَ حَائِطِهِ

[21926] Abu Bakr said: Sahl ibn Yusuf told us from 'Amr, from Al-Hasan, regarding a wall in people's house. He said: “If he wishes, he may open a door in it.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا سَهْلُ بْنُ يُوسُفَ، عَنْ عَمْرِو، عَنْ الْحَسَنِ فِي حَائِطٍ فِي دَارٍ قَوْمٍ قَالَ: إِنْ شَاءَ أَنْ يَقْبَلْ فِيهِ بَاباً

[21927] Abu Bakr said: 'Abd al-Razzaq told us from Ma'mar, from Ayyub, from Abu Qilabah, who said: The Prophet (saw) said: "Do not harm one another in digging."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّزَاقَ، عَنْ مَعْمِرٍ، عَنْ أَيُوبَ، عَنْ أَبِي قِلَابَةَ، قَالَ: قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا تَضَارُوا فِي الْحَفْرِ

[21928] Abu Bakr said: Sahl ibn Yusuf told us from 'Amr that a man said to his slave: "Stick with So-and-so, for if you separate from him, you are free." He said: "Bear witness that I have separated from him." This was referred to 'Umar ibn 'Abd al-'Aziz while he was the governor of Mecca, and he validated his manumission. He said: Al-Hasan used to hold that view.

حَدَّثَنَا أَبُو بَكْرٍ، قَالَ: حَدَّثَنَا سَهْلُ بْنُ يُوسُفَ، عَنْ عَمْرِو: أَنَّ رَجُلًا قَالَ لِغُلَامِهِ: الْزَمْ فُلَانًا فَإِنْ فَارَقْتُهُ فَأَنْتَ حُرٌّ، فَقَالَ: اشْهِدُوا أَنِّي قَدْ فَارَقْتُهُ، فَرُفِعَ ذَلِكَ إِلَى عُمَرَ بْنِ عَبْدِ الْعَزِيزِ وَهُوَ أَمِيرُ مَكَّةَ فَأَجَازَ عِنْقَهُ قَالَ: فَكَانَ الْحَسْنُ يَرَى ذَلِكَ

[21929] Abu Bakr said: Abu Khalid al-Ahmar told us from Yahya ibn Sa'id, who said: It reached me that 'Umar ibn 'Abd al-'Aziz said: "He is not freed."

حَدَّثَنَا أَبُو بَكْرٍ، قَالَ: حَدَّثَنَا أَبُو خَالِدِ الْأَحْمَرَ، عَنْ يَحْيَى بْنِ سَعِيدٍ قَالَ: بَلَغَنِي أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ قَالَ: لَا يُعْنِقُ

[21930] Abu Bakr said: Isma'il ibn 'Ayyash told us from Sufyan, from 'Amr ibn Ibrahim al-Ansari, from his uncle Al-Dahhak, who said: Two men disputed before 'Umar ibn al-Khattab claiming his testimony. 'Umar said to them: "If you wish, I will testify and not judge between you, and if you wish, I will judge and not testify."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، عَنْ سُفِيَّانَ، عَنْ عَمْرٍو بْنِ إِبْرَاهِيمَ الْأَنْصَارِيِّ، عَنْ عَمِّهِ الصَّحَّاْكِ، قَالَ: اخْتَصَّمْ رَجُلًا إِلَى عُمَرَ بْنَ الْخَطَّابِ أَدْعَيَا شَهَادَتَهُ، فَقَالَ لَهُمَا عُمَرُ: إِنْ شِئْنَا شَهَدْنَا وَلَمْ أَفْضِ بَيْنَكُمَا، وَإِنْ شِئْنَا قَضَيْنَا وَلَمْ أَشْهَدْ

[21931] Abu Bakr said: Waki' told us from Hasan ibn Salih, from 'Abd al-A'la, who said: A woman came to Shurayh with a witness. He said: "Bring me another witness." She said: "You are my witness." So he asked her to take an oath and judged in her favor.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ حَسَنِ بْنِ صَالِحٍ، عَنْ عَبْدِ الْأَعْلَى، قَالَ: جَاءَتِ امْرَأَةٌ إِلَى شُرَيْحٍ فَأَتَتْهُ بِشَاهِدٍ، قَالَ: أَنْتِي بِشَاهِدٍ آخَرَ قَالَ: أَنْتَ شَاهِدِي فَاسْتَخْلَفْتَهَا وَقَضَيْتَ لَهَا

[21932] Abu Bakr said: Ibn Fudayl told us from Ibn Shubrumah, from Al-Sha'bi, who said: I asked him about a man who was owed money by another man, and he called two witnesses, then one of the witnesses was appointed judge. Al-Sha'bi said: A man came to Shurayh to dispute while I was sitting with him. The other party brought a witness against him, then said to Shurayh: "You testify for me." Shurayh said: "Bring the Amir so I can testify for you."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنِ ابْنِ شُبْرُمَةَ، عَنِ الشَّعْبِيِّ، قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ كَانَ لَهُ عَلَى رَجُلٍ مَالٌ، فَأَشْهَدَ شَاهِدَيْنِ فَاسْتَقْضَى أَحَدُ الشَّاهِدَيْنِ، فَقَالَ الشَّعْبِيُّ: "جَاءَ رَجُلٌ إِلَى شُرَيْحٍ يُخَاصِّمُ وَأَنَا جَالِسٌ مَعَهُ، فَجَاءَ الْأَخْرُ عَلَيْهِ بِشَاهِدٍ، ثُمَّ قَالَ لِشُرَيْحٍ: أَنْتَ شَهِيدٌ لِي، فَقَالَ شُرَيْحٌ: أَنْتَ الْأَمِيرُ حَتَّى أَشْهَدَ لَكَ

[21933] Abu Bakr said: Hafs told us from Hajjaj, from 'Ata', that he disliked [the sale of] goldsmiths' dust.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ حَاجَاجٍ، عَنْ عَطَاءٍ: أَنَّهُ كَانَ يَكْرَهُ تُرَابَ الصَّوَاغِينَ، يَعْنِي شِرَاءَهُ

[21934] Abu Bakr said: Abu Usamah told us from Hisham, from Al-Hasan, that he disliked buying goldsmiths' dust unless gold dust is bought with silver, and silver dust with gold.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ: أَنَّهُ كَانَ يَكْرَهُ شَرَى تُرَابَ الصَّوَاغِينَ، إِلَّا أَنْ يَشْتَرِي تُرَابَ الدَّهَبِ بِالْفِضَّةِ، وَتُرَابَ الْفِضَّةِ بِالْدَّهَبِ

[21935] Abu Bakr said: Waki' told us from Muhammad ibn Abi al-Ja'd, who said: I asked Al-Sha'bi about buying goldsmiths' dust. He disliked it and said: "It is Gharar (uncertainty/risk)." Muhammad said: "My father used to buy it with goods."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مُحَمَّدِ بْنِ أَبِي الْجَعْدِ، قَالَ: سَأَلْتُ الشَّعْبِيَّ عَنْ شِرَاءِ تُرَابِ الصَّوَّاغِينَ، فَكَرِهَهُ وَقَالَ: هُوَ غَرَرٌ. قَالَ مُحَمَّدٌ: وَكَانَ أَبِي يَسْتَرِيهِ بِالْعُرُوضِ

[21936] Abu Bakr said: Hirmi ibn 'Umarah told us from Shu'bah, from Hammad, from Ibrahim, who said: "There is no harm in buying gold dust with silver, and silver dust with gold."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حِرْمَى بْنُ عُمَارَةَ، عَنْ شُعْبَةَ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا بَأْسَ أَنْ يُشْتَرَى تُرَابُ الدَّهْبِ بِالْفِضَّةِ، وَتُرَابُ الْفِضَّةِ بِالْدَّهْبِ

[21937] Abu Bakr said: Safwan ibn 'Isa told us from Wardan ibn Abi al-Nadr, who said: I sold food to a man, and the man paid the measurer's wage. I asked Al-Sha'bi about that, and he said: "You pay him, for it is upon you."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا صَفْوَانُ بْنُ عِيسَى، عَنْ وَرْدَانَ بْنِ أَبِي النَّضْرِ، قَالَ: كُنْتُ بِعْثَ مِنْ رَجُلٍ طَعَاماً، فَأَعْطَى الرَّجُلَ أَجْرَ الْكَيَالِ فَسَأَلْتُ الشَّعْبِيَّ عَنْ ذَلِكَ، فَقَالَ: أَعْطِهِ أَنْتَ فَإِنَّمَا هُوَ عَلَيْكَ

[21938] Abu Bakr said: Hafs told us from Ibn Jurayj, from 'Ata', or Ibn Abi Mulaykah and 'Amr ibn Dinar, who said: We kept hearing that the Prophet (saw) judged for a runaway slave found outside the Haram: a Dinar or ten Dirhams.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، أَوْ ابْنِ أَبِي مُلِيْكَةَ وَعَمْرُو بْنِ دِينَارٍ، قَالَا: مَا زِلْنَا نَسْمَعُ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَضَى فِي الْعَبْدِ الْأُبْقِيِّ يُوجَدُ خَارِجًا مِنَ الْحَرَامِ دِينَارًا أَوْ عَشْرَةَ دِرْهَمًا

[21939] Abu Bakr said: Waki' told us from Sufyan, from 'Abd Allah ibn Rabah, from Abu 'Amr al-Shaybani, that a man found a runaway slave at 'Ayn al-Tamr and brought him back. Ibn Mas'ud set forty Dirhams for it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عَبْدِ اللَّهِ بْنِ رَبَاحٍ، عَنْ أَبِي عَمْرِو الشَّيْبَانِيِّ، أَنَّ رَجُلًا أَصَابَ عَبْدًا آِبِقًا بِعَيْنِ التَّمْرِ، فَجَاءَ بِهِ فَجَعَلَ أَبْنَ مَسْعُودٍ فِيهِ أَرْبَعِينَ دِرْهَمًا

[21940] Ayyub said: Yazid ibn Harun told us from Hajjaj, from 'Amr ibn Shu'ayb, from Sa'id ibn al-Musayyib, that 'Umar set the reward for a runaway slave at a Dinar or twelve Dirhams.

حَدَّثَنَا أَيُوبُ، قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَجَاجٍ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ عُمَرَ جَعَلَ فِي جُعْلِ الْأِبْقِيِّ دِينَارًا أَوْ أَثْنَيْ عَشَرَ دِرْهَمًا

[21941] Abu Bakr said: Yazid ibn Harun told us from Hajjaj, from Husayn, from Al-Sha'bi, from Al-Harith, from 'Ali, similar to it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَجَاجٍ، عَنْ حُصَيْنٍ، عَنْ الشَّعَبِيِّ، عَنْ الْحَارِثِ، عَنْ عَلَيِّ، مِثْلَهُ

[21942] Abu Bakr said: Al-Dahhak ibn Makhlad told us from Ibn Jurayj, who said: Ibn Abi Mulaykah informed me that 'Umar ibn 'Abd al-'Aziz judged regarding the reward for a runaway slave taken at a distance of three days' journey: three Dinars.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلَدٍ، عَنِ ابْنِ جُرَيْجٍ، قَالَ: أَخْبَرَنِي ابْنُ أَبِي مُلَيْكَةَ، أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ: قَضَى فِي جُعْلِ الْأُبْقِي إِذَا أَخْدَى عَلَى مَسِيرَةِ ثَلَاثٍ ثَلَاثَةَ دَنَارَيْنَ

[21943] Abu Bakr said: Muhammad ibn Yazid told us from Ayyub Abu al-'Ala', from Qatadah and Abu Hashim, that 'Umar judged forty Dirhams for the reward of a runaway slave.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ يَزِيدَ، عَنْ أَبِي الْعَلَاءِ، عَنْ قَتَادَةَ، وَأَبِي هَاشِمٍ، أَنَّ عُمَرَ قَضَى فِي جُعْلِ الْأُبْقِي أَرْبَعِينَ دِرْهَمًا

[21944] Abu Bakr said: Ibn Abi Za'idah told us from 'Abd al-Rahman ibn Jarir, from Hammad, from Ibrahim, who said: "There is no harm in the reward for a runaway slave."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ جَرِيسٍ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا بَأْسَ بِجُعْلِ الْأُبْقِي

[21945] Abu Bakr said: Waki' told us from Isra'il, from Ibrahim ibn Muhajir, from Ibrahim, who said: "A Muslim returns [lost property] to a Muslim."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ إِبْرَاهِيمَ بْنِ مُهَاجِرٍ، عَنْ إِبْرَاهِيمَ، قَالَ: الْمُسْلِمُ يَرُدُّ عَلَى الْمُسْلِمِ

[21946] Abu Bakr said: Waki' told us: Sufyan told us from Abu Ishaq, who said: "I gave the reward in the time of Mu'awiyah: forty Dirhams."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ أَبِي إِسْحَاقَ، قَالَ: أَعْطَيْتُ الْجُلْهَرَ فِي زَمْنِ مُعَاوِيَةَ
أَرْبَعِينَ دِرْهَمًا

[21947] Abu Bakr said: Waki' told us: Sufyan told us from Hisham, from Ibn Sirin, from Shurayh; and from Sufyan, from Jabir, from Al-Qasim, from Shurayh, that he used to say: "If he is taken in the city, it is ten Dirhams, and if he is taken outside the city, it is forty Dirhams."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ هِشَامٍ، عَنْ ابْنِ سِيرِينَ، عَنْ شُرَيْحٍ، وَعَنْ سُفْيَانَ،
عَنْ جَابِرٍ، عَنْ الْفَاسِيمِ، عَنْ شُرَيْحٍ، أَنَّهُ كَانَ يَقُولُ: إِذَا
أُخْدِيَ فِي الْمِصْرِ فَعَشْرَةُ دَرَاهِمٍ، وَإِذَا أُخْدِيَ خَارِجًا مِنَ
الْمِصْرِ فَأَرْبَعُونَ دِرْهَمًا

[21948] Abu Bakr said: Waki' told us from Sufyan, from Jabir, from Al-Hakam, that he said regarding a runaway slave found: "A Muslim returns [him] to a Muslim."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ
جَابِرٍ، عَنْ الْحَكَمِ، أَنَّهُ قَالَ فِي الْأُبْقَى يُوجَدُ: الْمُسْلِمُ يَرْدُدُ
عَلَى الْمُسْلِمِ

[21949] Abu Bakr said: Waki' told us: Ibn Jurayj told us from Ibn Abi Mulaykah and 'Amr ibn Dinar, who said: "The Prophet (saw) set a Dinar for a runaway slave if brought from outside the Haram."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا ابْنُ
جُرَيْحٍ، عَنْ ابْنِ أَبِي مُلَيْكَةَ، وَعَمْرُو بْنِ دِينَارٍ، قَالَ:
جَعَلَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي الْعَبْدِ الْأُبْقَى إِذَا
جَيَءَ بِهِ خَارِجَ الْحَرَمِ دِينَارًا

[21950] Abu Bakr said: Waki' told us: Mis'ar told us from 'Abd al-Karim, who said: I said to 'Abd Allah ibn 'Utbah: Is a reward given for a runaway slave? He said: "Yes." I said: The free person? He said: "No."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا مِسْعَرٌ،
عَنْ عَبْدِ الْكَرِيمِ، قَالَ: قُلْتُ لِعَبْدِ اللَّهِ بْنِ عُثْمَانَ أَيْجَنَعَ
فِي الْأَيْقِ، قَالَ: نَعَمْ قُلْتُ: الْحُرُّ، قَالَ: لَا

[21951] Abu Bakr said: Waki' told us: Isra'il told us from Jabir, from 'Abd al-Rahman ibn al-Qasim, from his father, who said: "If he does not give him a reward, let him send him back to the place where he took him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلٌ،
عَنْ جَابِرٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْفَاسِمِ، عَنْ أَبِيهِ، قَالَ:
إِنْ لَمْ يُعْطِهِ جُعلاً فَلْيُرْسِلْهُ فِي الْمَكَانِ الَّذِي أَخْذَهُ

[21952] Abu Bakr said: Khalaf ibn Khalifah told us from Mansur, from Al-Hakam, from Abu Wa'il, from Masruq, who said: "If a judge accepts a gift, he has consumed Suht (illicit gain), and if he accepts a bribe, it reaches disbelief."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا خَلْفُ بْنُ خَلِيفَةَ، عَنْ
مَنْصُورٍ، عَنْ الْحَكَمِ، عَنْ أَبِي وَائِلٍ، عَنْ مَسْرُوقٍ،
قَالَ: الْفَاضِي إِذَا أَخْذَ هَدِيَّةً فَقَدْ أَكَلَ السُّحْنَ، وَإِذَا أَخْذَ
الرِّشْوَةَ بَلَغَتْ بِهِ الْكُفْرُ

[21953] Abu Bakr said: Waki' told us from Mu'adh ibn al-'Ala', from his father, from his grandfather, who said: 'Ali gave a sermon in Kufa holding a flask, saying: "I have not acquired anything since I entered it except a gift given to me by a Dihqan (landowner)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مُعَاذِ بْنِ الْعَلَاءِ،
عَنْ أَبِيهِ، عَنْ جَدِّهِ، قَالَ: خَطَبَ عَلِيًّا بِالْكُوفَةِ وَبِيَهِ
قَارُورَةٌ، فَقَالَ: مَا أَصَبْتُ بِهَا مُنْذُ دَخَلْنَا إِلَّا هَدِيَّةٌ
أَهْداهَا إِلَيَّ دَهْقَانٌ

[21954] Abu Bakr said: Al-Fadl ibn Dukayn told us from Yusuf ibn al-Muhajir, who said: The Asbahbadh gifted 'Abd al-Hamid forty thousand - or less or more. He wrote to 'Umar ibn 'Abd al-'Aziz, who wrote back: "If he used to gift you while you were in Al-Jazirah, accept it from him; otherwise, count it towards his Kharaj."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنٍ، عَنْ يُوسُفَ
بْنِ الْمُهَاجِرِ، قَالَ: أَهْدَى الْأَصْبَاهَبَدُ إِلَى عَبْدِ الْحَمِيدِ
أَرْبَعِينَ أَلْفًا أَوْ أَقْلَى أَوْ أَكْثَرَ، فَكَتَبَ إِلَى عُمَرَ بْنَ عَبْدِ
الْعَزِيزِ، فَكَتَبَ إِلَيْهِ: إِنْ كَانَ يُهْدِي لَكَ وَأَنْتَ بِالْجَزِيرَةِ
فَاقْبِلْهَا مِنْهُ، وَإِلَّا فَاحْسِبْهَا لَهُ مِنْ خَرَاجِهِ

[21955] Abu Bakr said: Jarir told us from Mansur, from Ibrahim, who said: It used to be said: "Bribery in judgment is Suht (illicit gain)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ
إِبْرَاهِيمَ، قَالَ: كَانَ يُقَالُ: الرِّشْوَةُ فِي الْحُكْمِ سُحْتٌ

[21956] Abu Bakr said: Abu Mu'awiyah told us from Al-A'mash, from Khaythamah, who said: 'Umar said: "Two types of Suht (illicit gain) people consume: bribery and the dowry of a prostitute."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو مُعاوِيَةَ، عَنِ الْأَعْمَشِ،
عَنْ حَيْئَمَةَ، قَالَ: قَالَ عُمَرُ: "بَابَانِ مِنَ السُّحْتِ يَأْكُلُهُما
النَّاسُ: الرِّشَاءُ، وَمَهْرُ الزَّانِيَةِ"

[21957] Abu Bakr said: Ishaq ibn Mansur told us from 'Abd Allah ibn 'Amr ibn Murrah, who said: I asked Sa'id ibn Jubayr about Suht. He said: "Bribery."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ، عَنْ
عَبْدِ اللَّهِ بْنِ عَمْرٍو بْنِ مُرَّةَ، قَالَ: سَأَلْتُ سَعِيدَ بْنَ
جُبَيْرٍ، عَنِ السُّحْتِ، فَقَالَ: الرِّشَاءُ

[21958] Abu Bakr said: Ibn Mahdi told us from Shu'bah, from Abu Qaza'ah, from Abu Nadrah, from Abu Sa'id, who said: "Gifts to rulers are Ghulul (stealing from spoils/public funds)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ شُعْبَةَ، عَنْ
أَبِي فَزَعَةَ، عَنْ أَبِي نَصْرَةَ، عَنْ أَبِي سَعِيدٍ، قَالَ: هَذَا يَا
الْأَمْرَاءُ غُلُولٌ

[21959] Abu Bakr said: Ibn Mahdi told us from Abu Qaza'ah, from Abu Yazid al-Madini, who said: Jabir ibn 'Abd Allah was asked about gifts to rulers. He said: "To me, it is Ghulul."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ أَبِي فَزَعَةَ،
عَنْ أَبِي يَزِيدَ الْمَدِينِيِّ، قَالَ: سُئِلَ جَابِرُ بْنُ عَبْدِ اللَّهِ،
عَنْ هَذَا الْأَمْرَاءِ، فَقَالَ: هِيَ فِي نَفْسِي غُلُولٌ

[21960] Abu Bakr said: Yahya ibn Sa'id told us from Abu Mu'adh, from Tawus, who said: "It is Suht."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ أَبِي مُعَاذٍ، عَنْ طَلْوُسٍ، قَالَ: هِيَ سُخْتٌ

[21961] Abu Bakr said: Abu Mu'awiyah told us from Al-A'mash, from Shaqiq, who said: Mu'adh arrived from Yemen with slaves during the time of Abu Bakr. 'Umar said to him: "Hand them over to Abu Bakr." He said: "Why should I hand over my slaves to him?" He returned home and did not hand them over. He spent the night, then the next morning he handed them over to Abu Bakr. 'Umar said to him: "What changed your mind?" He said: "I saw myself in a dream as if I were being led to a fire, and you grabbed my waist and prevented me from entering it. I thought it was because of these slaves." Abu Bakr said: "They are yours." When he returned home, he stood to pray and saw them praying behind him. He said: "For whom do you pray?" They said: "For Allah." He said: "Go, you are free for the sake of Allah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعاوِيَةَ، عَنِ الْأَعْمَشِ،
عَنْ شَقِيقٍ، قَالَ: قَدِمَ مُعَاذٌ مِنَ الْيَمَنِ بِرَقِيقٍ فِي زَمَانِ
أَبِي بَكْرٍ، فَقَالَ لَهُ عُمَرُ: ارْفَعُهُمْ إِلَى أَبِي بَكْرٍ قَالَ: وَلَمْ
أَرْفَعْ إِلَيْهِ رَقِيقِي؟ قَالَ: فَانْصَرِفْ إِلَى مَنْزِلِهِ وَلَمْ
يَرْفَعْهُمْ فَبَاتَ لِيَلَّهُ تُمَّ أَصْبَحَ مِنَ الْغَدِيرِ فَرَفَعْهُمْ إِلَى أَبِي
بَكْرٍ، فَقَالَ لَهُ عُمَرُ: مَا بَدَا لَكَ؟ قَالَ: رَأَيْتِنِي فِيمَا يَرَى
الثَّالِمُ كَانَ إِلَى نَارٍ أَهْدَى إِلَيْهَا، فَلَأَخْذُنُ بِحُجْرَتِي
فَمَعَتْنِي مِنْ دُخُولِهَا، فَظَنَّتُ أَنَّهُمْ هُؤُلَاءِ الرَّقِيقِ، فَقَالَ
أَبُو بَكْرٍ: هُمْ لَكَ، فَلَمَّا انْصَرَفَ إِلَى مَنْزِلِهِ قَامَ يُصَلِّي
فَرَآهُمْ يُصَلِّوْنَ خَلْفَهُ فَقَالَ: لِمَنْ تُصَلِّوْنَ؟ فَقَالُوا: لِلَّهِ،
فَقَالَ: اذْهَبُوا أَنْتُمْ لِلَّهِ

[21962] Abu Bakr said: Waki' told us: Hisham ibn 'Urwah told us from his father, from Abu Humayd al-Sa'idi, that the Prophet (saw) employed Ibn al-Lutbiyyah to collect the Zakat of Banu Sulaym. When he came back, he said: "This is for you, and this was gifted to me." The Prophet (saw) stood up, addressed the people, praised Allah and extolled Him, then said: "What is the matter with men whom we employ over affairs Allah has entrusted to us, and one of you comes and says: 'This is for you, and this was gifted to me'? Why doesn't he sit in his father's or mother's house until a gift comes to him if he is truthful?"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هِشَامُ بْنُ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ أَبِي حُمَيْدِ السَّاعِدِيِّ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ اسْتَعْمَلَ ابْنَ الْأَنْبِيَّةِ عَلَى صَدَقَاتِ بَنِي سُلَيْمٍ فَلَمَّا جَاءَ قَالَ: هَذَا لَكُمْ، وَهَذَا أَهْدِي لِي، فَقَامَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَخَطَبَ النَّاسَ فَخَمَدَ اللَّهُ وَأَنْتَنِي عَلَيْهِ، ثُمَّ قَالَ: "مَا بَالُ رِجَالٍ نُوَلِّهِمْ أُمُورًا مِمَّا وَلَّا نَنْهَا اللَّهُ، فَيَجِيءُ أَحَدُكُمْ فَيَقُولُ: هَذَا لَكُمْ، وَهَذَا أَهْدِي إِلَيَّ، أَفَلَا يَجْلِسُ فِي بَيْتِ أَبِيهِ، أَوْ بَيْتِ أُمِّهِ حَتَّى تَأْتِيَهُ هَبَيْةً إِنْ كَانَ صَادِقًا

[21963] Abu Bakr said: Waki' told us: Isma'il ibn Abi Khalid told us from Qays, from 'Adi ibn 'Amirah al-Kindi, who said: I heard the Messenger of Allah (saw) saying: "Whomsoever of you we employ on a task and he conceals from us a needle or more, it will be Ghulul (stealing) that he brings on the Day of Resurrection." A man from the Ansar stood up—as if I am looking at him—and said: "O Messenger of Allah, accept my resignation from your work." He said: "What is that?" He said: "I heard you say such and such." He said: "And I say it now: Whomsoever of you we employ on a task, let him bring us its little and much; what he is given of it, he takes, and what he is forbidden from, he refrains."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْمَاعِيلُ
بْنُ أَبِي حَالِدٍ، عَنْ قَيْسٍ، عَنْ عَدِيٍّ بْنِ عَمِيرَةِ الْكِنْدِيِّ،
قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ:
مَنْ اسْتَعْمَلْنَاهُ مِنْكُمْ عَلَى عَمَلٍ فَكَمَّا مِخْيَطًا فَمَا فُوْقَهُ
كَانَ غُلُولًا يَأْتِي بِهِ يَوْمَ الْقِيَامَةِ فَقَامَ إِلَيْهِ رَجُلٌ مِنَ
الْأَنْصَارِ، كَانَ يَنْظُرُ إِلَيْهِ، فَقَالَ: يَا رَسُولَ اللَّهِ، أَقْبَلَ
عَنِّي عَمَلِكَ، قَالَ: وَمَا ذَاكَ؟ قَالَ: سَمِعْتُكَ كَذَا وَكَذَا،
قَالَ: فَأَنَا أَقُولُهُ الْآنَ: مَنْ اسْتَعْمَلْنَاهُ مِنْكُمْ عَلَى عَمَلٍ
فَأَلْيَأْنَا بِقَلِيلٍ وَكَثِيرٍ، فَمَا أُوتِيَ مِنْهُ أَحَدٌ، وَمَا نُهِيَ عَنْهُ
إِنْتَهَى

[21964] Abu Bakr said: Waki' told us: Sa'id ibn 'Ubayd al-Ta'i told us from 'Ali ibn Rabi'ah, that 'Ali employed a man from Banu Asad called Dubay'ah ibn Zuhayr or Zuhayr ibn Dubay'ah. When he came back, he said: "O Commander of the Faithful, I was given things as gifts during my work, and I have brought them to you. If they are lawful, I will eat them, otherwise I have brought them to you." 'Ali took them and said: "If you had withheld them, it would have been Ghulul."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سَعِيدُ بْنُ عُبَيْدِ الطَّائِيِّ، عَنْ عَلَيِّ بْنِ رَبِيعَةَ، أَنَّ عَلِيًّا اسْتَعْمَلَ رَجُلًا مِنْ بَنِي أَسَدٍ يُقَالُ لَهُ ضُبَيْعَةُ بْنُ زُهْرَةٍ أَوْ زُهْرَى بْنُ ضُبَيْعَةَ، فَلَمَّا جَاءَهُ قَالَ: يَا أَمِيرَ الْمُؤْمِنِينَ، إِنِّي أُهْدِي إِلَيَّ فِي عَمْلِي أَشْيَاءً، وَقَدْ أَتَيْتُكَ بِهَا، فَإِنْ كَانَ حَلَالًا أَكْلُهَا، وَإِلَّا فَقَدْ أَتَيْتُكَ بِهَا، فَقَبضَهَا عَلَيْيُ وَقَالَ: لَوْ حَبَسْنَاهَا كَانَ غُلُولًا

[21965] Abu Bakr said: Ibn Abi Za'idah told us from Layth, from Abu al-Khattab, from Abu Zur'ah, from Abu Idris, from Thawban, who said: "The Prophet (saw) cursed the briber, the bribe-taker, and the mediator, meaning the one who walks between them."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ، عَنْ لَيْثٍ، عَنْ أَبِي الْخَطَابِ، عَنْ أَبِي زُرْعَةَ، عَنْ أَبِي إِدْرِيسِ، عَنْ ثَوْبَانَ، قَالَ: لَعَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الرَّاشِيِّ وَالْمُرْتَشِيِّ وَالرَّائِشِ، يَعْنِي الَّذِي يَمْشِي بَيْنَهُمَا

[21966] Abu Bakr said: Waki' told us: Ibn Abi Dhi'b told us from his maternal uncle Al-Harith, from Abu Salamah ibn 'Abd al-Rahman, from 'Abd Allah ibn 'Amr, who said: "The Messenger of Allah (saw) cursed the briber and the bribe-taker."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا ابْنُ أَبِي ذِئْبٍ، عَنْ خَالِهِ الْحَارِثِ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو، قَالَ: لَعْنَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الرَّاشِيِّ وَالْمُرْتَشِيِّ

[21967] Abu Bakr said: Ya'la ibn 'Ubayd told us from Al-Harith ibn 'Umayr, from Yahya ibn Sa'id, who said: When the Prophet (saw) sent Ibn Rawahah to the people of Khaybar, they gifted him a fur garment. He said: "It is Suht (illicit gain)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَعْلَى بْنُ عُبَيْدٍ، عَنِ الْحَارِثِ بْنِ عَمَيْرٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، قَالَ: لَمَّا بَعَثَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ابْنَ رَوَاحَةَ إِلَى أَهْلِ خَيْبَرِ أَهْدَوْا لَهُ فَرْوَةً، فَقَالَ: هُوَ سُخْتٌ

[21968] Abu Bakr said: Ya'la told us from Al-Harith, from Yahya ibn Sa'id, who said: 'Umar wrote to the people of Iraq: "Indeed, the gifts of our landowners belong to us (the treasury)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَعْلَى، عَنِ الْحَارِثِ، عَنْ يَحْيَى بْنِ سَعِيدٍ، قَالَ: كَتَبَ عُمَرُ إِلَى أَهْلِ الْعِرَاقِ: إِنَّ لَنَا هَذَا يَا ذَهَاقِينَا

[21969] Abu Bakr said: Waki' told us: Sufyan told us from Abu Husayn, from Shurayh, who said: "Allah cursed the briber and the bribe-taker."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ أَبِي حُصَيْنٍ، عَنْ شُرَيْحٍ، قَالَ: لَعْنَ اللَّهِ الرَّاشِيِّ وَالْمُرْتَشِيِّ

[21970] Abu Bakr said: Abu Bakr ibn 'Ayyash told us from Yahya ibn Hani', who said: Abu Hudhayfah informed me from 'Abd al-Malik ibn Muhammad, from 'Abd al-Rahman ibn 'Alqamah, who said: A delegation from Thaqif came to the Prophet (saw) and gave him a gift. He said: "Is it a gift or charity?" They said: "A gift." They said: "A gift seeks the pleasure of the Messenger and the fulfillment of needs, while charity seeks the pleasure of Allah." They said: "No, rather a gift." So he accepted it from them, and they distracted him from Dhuhra and 'Asr [prayers].

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو بَكْرٌ بْنُ عَيَّاشٍ، عَنْ يَحْيَى بْنِ هَانِيٍّ، قَالَ: أَخْبَرَنِي أَبُو حُدَيْفَةُ، عَنْ عَبْدِ الْمَلِكِ بْنِ مُحَمَّدٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَلْقَمَةَ، قَالَ: قَدِيمٌ عَلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَقْدُ تَقْيِيفٍ فَأَهْدَوُا إِلَيْهِ هَدِيَّةً، فَقَالَ: هَدِيَّةٌ أَمْ صَدَقَةٌ؟ قَالُوا: هَدِيَّةٌ، قَالُوا: إِنَّ الْهَدِيَّةَ يُطْلَبُ بِهَا وَجْهُ الرَّسُولِ وَقَضَاءُ الْحَاجَةِ، وَإِنَّ الصَّدَقَةَ يُتَنَعَّى بِهَا وَجْهُ اللَّهِ، قَالُوا: لَا، بَلْ هَدِيَّةٌ، فَقِيلَّهَا مِنْهُمْ، وَشَغَلُوهُ عَنِ الظَّهَرِ وَالْعَصْرِ

[21971] Abu Bakr said: Waki' told us: Hisham ibn 'Urwah told us, saying: "The Prophet (saw) used to accept gifts and reward with something better than them."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا هِشَامُ بْنُ عَرْوَةَ، قَالَ: كَانَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقْبِلُ الْهَدِيَّةَ، وَيُبَثِّبُ مَا هُوَ خَيْرٌ مِنْهَا

[21972] Abu Bakr said: Hisham told us from Ayyub ibn Maysarah, who said: The Messenger of Allah (saw) said: “Give gifts to those who do not give to you, and visit those who do not visit you.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هِشَامٌ، عَنْ أَيُوبَ بْنِ مَيْسَرَةَ،
قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِهْ لِمَنْ لَا
يُهْدِي لَكَ، وَعُدْ مَنْ لَا يَعُودُكَ

[21973] Abu Bakr said: Zayd ibn al-Hubab told us from Husayn ibn Waqid, who said: 'Abd Allah ibn Buraydah told me from his father, that when Salman came to Medina, he brought the Prophet (saw) a gift on a tray and placed it before him. He said: “What is this?” He said: “Charity for you and your companions.” He said: “I do not eat charity.” So he took it away. Then he came to him the next day with something similar, and he said: “What is this?” He said: “A gift for you.” The Messenger of Allah (saw) said to his companions: “Eat.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا زَيْدُ بْنُ الْحُبَابِ، عَنْ حُسَيْنِ
بْنِ وَاقِدٍ، قَالَ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ بُرَيْدَةَ، عَنْ أَبِيهِ، أَنَّ
سَلَمَانَ، لَمَّا أَتَى الْمَدِينَةَ أَتَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
بِهِدْيَةٍ عَلَى طَبَقٍ فَوَضَعَهَا بَيْنَ يَدَيْهِ، فَقَالَ: مَا هَذَا؟
قَالَ: صَدَقَةٌ عَلَيْكَ وَعَلَى أَصْحَابِكَ قَالَ: إِنِّي لَا أَكُلُ
الصَّدَقَةَ فَرَأَعَهَا ثُمَّ أَتَاهُ مِنَ الْغَدِ بِمِثْلِهِ فَقَالَ: مَا هَذَا
فَقَالَ: هَدِيَّةٌ لَكَ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
لِأَصْحَابِهِ: كُلُوا

[21974] Abu Bakr said: Marwan told us from Ma'mar, from Al-Zuhri, from Al-Sa'ib ibn Yazid, who said: 'Umar said: The Messenger of Allah (saw) used to give me gifts, and I would say: "O Messenger of Allah, give it to someone more needy than me." The Messenger of Allah (saw) said: "Take it; either keep it as property or give it as charity. Whatever of this wealth comes to you while you are not asking or expecting it, take it; otherwise, do not let your soul pursue it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مَرْوَانُ، عَنْ مَعْمَرٍ، عَنِ الرَّهْبَرِيِّ، عَنِ السَّائِبِ بْنِ يَزِيدَ، قَالَ: قَالَ عُمَرُ: كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يُعْطِينِي الْعَطَايَا فَأَقُولُ: يَا رَسُولَ اللَّهِ، أَعْطِهِ مَنْ هُوَ أَحَقُّ إِلَيْهِ مِنِّي، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: حُذْهُ، فَإِمَّا أَنْ تَمْوَلَهُ، وَإِمَّا أَنْ تَصَدِّقَ بِهِ، وَمَا جَاءَكَ مِنْ هَذَا الْمَالِ وَأَنْتَ غَيْرُ سَائِلٍ وَلَا مُشْرِفٍ فَخُذْهُ، وَمَا لَا، فَلَا تُثْنِعْ نَفْسَكَ

[21975] Abu Bakr said: Ibn Numayr told us: Hisham ibn Sa'd told us from Zayd ibn Aslam, from his father, who said: I heard 'Umar ibn al-Khattab say: The Prophet (saw) sent something to me, and I returned it. When I came to him, he said: "What made you return what I sent to you?" I said: "O Messenger of Allah, did you not tell us that it is better for you not to take from people?" He said: "That is only if you ask people. But what comes to you without asking is provision that Allah has provided."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ نُمَيْرٍ، قَالَ: حَدَّثَنَا هِشَامُ بْنُ سَعْدٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ أَبِيهِ، قَالَ: سَمِعْتُ عُمَرَ بْنَ الْخَطَّابَ، يَقُولُ: أَرْسَلَ إِلَيَّ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَرَدَّتُهُ، فَلَمَّا جَاءَنِي بِهِ قَالَ: مَا حَمَلَكَ أَنْ تَرْدَ مَا أَرْسَلْتُ بِهِ إِلَيْكَ، قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ، أَلِيْسَ قَدْ أَخْبَرْتَنَا أَنَّ خَيْرًا لِكَ أَلَا تَأْخُذُ مِنَ النَّاسِ، قَالَ: إِنَّمَا ذَاكَ أَنْ تَسْأَلَ النَّاسَ، وَمَا جَاءَكَ مِنْ غَيْرِ مَسْأَلَةٍ فَإِنَّمَا رِزْقُ رَزْقَهُ اللَّهُ

[21976] Abu Bakr said: Waki' told us: Al-A'mash told us from 'Umarah: That Al-Aswad gifted a she-camel to Shurayh, and he accepted it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْأَعْمَشُ، عَنْ عُمَارَةَ أَنَّ الْأَسْوَدَ أَهْدَى إِلَى شُرَيْحٍ نَاقَةً فَقَلِيلًا

[21977] Abu Bakr said: Waki' told us: Sufyan told us from Mansur, from Ibrahim, that Shurayh gifted a she-camel to Al-Aswad. He asked 'Alqamah: "What do you think?" He said: "Your brother honored you; I think you should accept it." So he accepted it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، أَنَّ شُرَيْحًا أَهْدَى لِلْأَسْوَدِ نَاقَةً، فَسَأَلَ عَلْقَمَةَ، فَقَالَ: مَا ثَرَى؟ قَالَ: أَخْرُوكَ أَكْرَمَكَ، أَرَى أَنْ تَقْبِلَهَا، فَقَلِيلًا

[21978] Abu Bakr said: Waki' told us: Al-A'mash told us, saying: "Sometimes Ibn al-Haytham would gift Ibrahim a silver suit, and he would accept it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْأَعْمَشُ،
قَالَ: رُبَّمَا أَهْدَى ابْنُ الْهَيْثَمَ إِلَى إِبْرَاهِيمَ الْحُلَّةَ مِنَ
الْفِضَّةِ فَيَقْبَلُهَا

[21979] Abu Bakr said: Waki' told us: Usamah ibn Zayd told us: Al-A'mash told us, saying: "Ibrahim was gifted Tila' (thickened grape juice), and it was sweet, so he threw it away."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا أَسَامَةُ بْنُ
رَيْدٍ، قَالَ: حَدَّثَنَا الْأَعْمَشُ، قَالَ: أَهْدَى إِلَى إِبْرَاهِيمَ
طِلَاءً، فَكَانَ حُلُوًّا فَنَبَذَهُ

[21980] Abu Bakr said: Waki' told us: Sufyan told us from Qays ibn Yusayr ibn 'Amr, from his father, that Uways al-Qarani became naked, so my father clothed him, and he accepted it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ قَيْسِ بْنِ يُسَيْرٍ بْنِ عَمْرٍو، عَنْ أَبِيهِ، أَنَّ أُوْيِسًا
الْقَرَنِيَّ عَرَيَ، فَكَسَاهُ أَبِيهِ، فَقَبَّلَهُ

[21981] Abu Bakr said: Waki' told us from Muhammad ibn Muhazzam, from Muhammad ibn Wasi' al-Azdi, who said: "This wealth is not pure except from four sources: A share among Muslims (booty/treasury), lawful trade, a gift from a Muslim brother out of generosity, or inheritance according to the Book of Allah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مُحَمَّدِ بْنِ مُهَاجَرٍ،
عَنْ مُحَمَّدِ بْنِ وَاسِعِ الْأَزْدِيِّ، قَالَ: "لَا يَطِيبُ هَذَا الْمَالُ
إِلَّا مِنْ أَرْبَعِ خَلَالٍ: سَهْمٌ فِي الْمُسْلِمِينَ، أَوْ تِجَارَةٌ مِنْ
خَلَالٍ، أَوْ إِعْطَاءٌ مِنْ أَخٍ مُسْلِمٍ عَنْ ظَهَرٍ يَدِهِ، أَوْ مِيرَاثٌ
فِي كِتَابِ اللَّهِ"

[21982] Abu Bakr said: Waki' told us: Sufyan told us from Layth, from Mujahid: Regarding a man offered money by two men, one a Muslim brother and the other having kinship with the Sultan, from which should he accept? He said: "From the kinship."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ: فِي رَجْلٍ عَرَضَ عَلَيْهِ رَجُلٌ
مَالًا، أَحْدُهُمَا أَخُّ مُسْلِمٍ، وَالْأُخْرُ لَهُ قَرَابَةٌ مَعَ السُّلْطَانِ،
مِنْ أَيِّهِمَا يَقْبِلُ؟ قَالَ: مِنَ الْقَرَابَةِ

[21983] Abu Bakr said: Hafs told us from Ibn Jurayj, from 'Ata', who said: Abu al-Darda' said: "If one of you connects with his brother (gives a gift), let him accept his connection. If he needs it, let him spend it, and if he does not need it, let him place it among the needy."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ ابْنِ جُرَيْجٍ، عَنْ
عَطَاءٍ، قَالَ: قَالَ أَبُو الدَّرْدَاءِ: إِذَا وَصَلَ أَحَدُكُمْ أَخَاهٌ
فَلْيَقْبِلْ صِلَاهُ، وَإِنْ كَانَ مُحْتَاجًا إِلَيْهِ فَلْيَنْفَقْهُ، وَإِنْ كَانَ
مُسْتَغْنِيَا عَنْهُ فَلْيَضَعْهُ فِي أَهْلِ الْحَاجَةِ

[21984] Abu Bakr said: Hafs told us from Al-A'mash, who said: "A woman bore a son to Al-Musayyib, so Khaythamah bought a wet nurse for him and sent her to him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنِ الْأَعْمَشِ، قَالَ:
وَلَدَتِ امْرَأةً لِلْمُسَيْبِ غُلَامًا، فَاشْتَرَى لَهُ خَيْثَمَةً طَنْرًا،
فَأَرْسَلَ بِهَا إِلَيْهِ

[21985] Abu Bakr said: 'Umar ibn 'Ubayd al-Tanafisi told us from Al-A'mash, from Abu Wa'il, from 'Abd Allah, who said: The Prophet (saw) said: "Do not reject a gift, accept invitations, and do not beat Muslims."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عُمَرُ بْنُ عَبْيَدِ الطَّنَافِسِيِّ،
عَنِ الْأَعْمَشِ، عَنْ أَبِي وَائِلٍ، عَنْ عَبْدِ اللَّهِ، قَالَ: قَالَ
النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا تَرُدُّوا الْهَدِيَّةَ، وَاجْبِرُوا
الْدَّاعِيَ، وَلَا تَنْضِرُبُوا الْمُسْلِمِينَ

[21986] Abu Bakr said: Abu Mu'awiyah told us from Al-A'mash, from Abu Hazim, from Abu Hurayrah, who said: The Messenger of Allah (saw) said: "If I were gifted a foreleg, I would accept, and if I were invited to a trotter, I would

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعاوِيَةَ، عَنِ الْأَعْمَشِ،
عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَوْ أَهْدَيْتِ إِلَيَّ ذِرَاعًَ لَقِيلُتُ، وَلَوْ
دُعِيتُ إِلَى كُرَاعٍ لَجَبَتُ

[21987] Abu Bakr said: 'Ali ibn Mushir told us from Layth, from Mujahid, from Ibn 'Umar, who said: The Messenger of Allah (saw) said: "Whoever asks by Allah, give him; and whoever gifts you a trotter, accept it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ، عَنْ لَيْثٍ،
عَنْ مُجَاهِدٍ، عَنْ أَبْنَ عُمَرَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى
اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ سَأَلَ بِاللَّهِ فَأَعْطُوهُ، وَمَنْ أَهْدَى
إِلَيْكُمْ كُرَاعًا فَاقْبِلُوهُ

[21988] Abu Bakr said: 'Ubayd Allah ibn Musa told us from Isra'il, from Abu Ishaq, from Abu Qurrah al-Kindi, from Salman, who said: I brought the Prophet (saw) a gift on a tray, and he said to his companions: "Eat."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مُوسَى، عَنْ إِسْرَائِيلَ، عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي فُرَّةِ الْكِنْدِيِّ، عَنْ سَلْمَانَ، قَالَ: أَتَيْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِهِدْيَةٍ عَلَى طَبَقٍ فَقَالَ لِأَصْحَابِهِ كُلُّوا

[21989] Abu Bakr said: 'Abbad ibn al-'Awwam told us from a sheikh, from Al-Zuhri, who said: The Messenger of Allah (saw) said: "What a good thing is a gift before a need."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامَ، عَنْ شَيْخٍ، عَنِ الرُّهْبَرِيِّ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: نِعْمَ الشَّيْءُ الْهَدِيَّةُ بَيْنَ يَدَيِ الْحَاجَةِ

[21990] Abu Bakr said: Ibn 'Uyaynah told us from 'Amr, who said: I heard Jabir ibn Zayd saying: "We did not find anything more beneficial for him in that time than bribery (to avert harm)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عَيْنَةَ، عَنْ عَمْرٍو، قَالَ: سَمِعْتُ جَابِرَ بْنَ زَيْدٍ، يَقُولُ: لَمْ نَجِدْ فِي ذَلِكَ الزَّمَانَ لَهُ أَشْياءً أَفْعَلَ لَنَا مِنَ الرِّشَاءِ

[21991] Abu Bakr said: Waki' told us: Abu al-'Umayyis told us from Al-Qasim ibn 'Abd al-Rahman, that when Ibn Mas'ud came to the land of Abyssinia, he was detained for something, so he gave two dinars until he secured his release.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا أَبُو الْعُمَيْنِ، عَنِ الْفَاسِيمِ بْنِ عَبْدِ الرَّحْمَنِ، أَنَّ ابْنَ مَسْعُودٍ، لَمَّا أَتَى أَرْضَ الْجِبَشَةِ أَخْذَ فِي شَيْءٍ فَأَعْطَى دِينَارَيْنِ حَتَّى أَخَذَ سِيَّلَةً

[21992] Abu Bakr said: Waki' told us: Sufyan told us from 'Uthman ibn al-Aswad, from Mujahid, who said: "Make your wealth a shield for your religion, and do not make your religion a shield for your wealth."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ عُثْمَانَ بْنِ الْأَسْوَدِ، عَنْ مُجَاهِدٍ، قَالَ: اجْعَلْ مَالَكَ
جُنَاحَهُ دُونَ دِينَكَ، وَلَا تَجْعَلْ دِينَكَ جُنَاحَهُ دُونَ مَالِكَ

[21993] Abu Bakr said: Hisham told us from Hajjaj, from 'Ata', and from 'Amr ibn Dinar, from Jabir ibn Zayd, and Al-Sha'bi, that they said: "There is no harm for a man to bribe for himself and his wealth if he fears oppression."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هِشَامٌ، عَنْ حَاجَاجٍ، عَنْ
عَطَاءٍ، وَعَنْ عَمْرُو بْنِ دِينَارٍ، عَنْ جَابِرِ بْنِ زَيْدٍ،
وَالشَّعْبِيِّ، أَنَّهُمْ قَالُوا: لَا يَأْسَ أَنْ يُصَانِعَ الرَّجُلُ إِلَى
نَفْسِهِ وَمَالِهِ إِذَا خَافَ الظُّلْمَ.

[21994] Abu Bakr said: Hushaym told us from Yunus, from Al-Hasan, similar to it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ يُونُسَ، عَنِ
الْحَسَنِ، مِثْلُهُ

[21995] Abu Bakr said: Hushaym told us from Yunus, from Al-Hasan: That he did not consider it permissible for a man to give from his wealth to protect his honor.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ يُونُسَ، عَنِ
الْحَسَنِ: أَنَّهُ كَانَ لَا يَرَى أَنْ يُعْطِي الرَّجُلُ مِنْ مَالِهِ مَا
يَصُونُ بِهِ عِرْضَهُ

[21996] Abu Bakr said: Waki' told us: Al-A'mash told us from Ibrahim, from 'Alqamah, who said: 'Abd Allah said: "The consumer of Riba and the one who pays it are equal."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْأَعْمَشُ،
عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، قَالَ: قَالَ عَبْدُ اللَّهِ: أَكَلَ الرِّبَا
وَمُؤْكِلُهُ سَوَاءٌ

[21997] Abu Bakr said: Waki' told us: Sufyan told us from 'Abd al-'Aziz ibn Rufay', from 'Abd Allah ibn Abi Mulaykah, from 'Abd Allah ibn Hanzalah ibn al-Rahib, from Ka'b al-Ahbar, who said: "To commit adultery thirty-three times is dearer to me than eating a Dirham of Riba which Allah knows I ate while knowing it was Riba."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ عَبْدِ الْعَزِيزِ بْنِ رُفَيْعٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي مُلِيقَةَ،
عَنْ عَبْدِ اللَّهِ بْنِ حَنْظَلَةَ بْنِ الرَّاهِبِ، عَنْ كَعْبِ
الْأَخْبَارِ، قَالَ: لَأَنْ أَرْزَنِي ثَلَاثًا وَثَلَاثَيْنَ زَنْبَةً أَحَبُّ إِلَيَّ
مِنْ أَكْلِ دِرْهَمٍ رِبَا يَعْلَمُ اللَّهُ أَنِّي أَكْلَتُهُ حِينَ أَكْلَتُهُ وَهُوَ
رِبَا

[21998] Abu Bakr said: Waki' told us: Al-A'mash told us from 'Abd Allah ibn Murrah, from Al-Harith ibn 'Abd Allah, who said: 'Abd Allah said: "The consumer of Riba, the payer, the scribe, and the two witnesses if they know, the tattooist and the one seeking tattoos for beauty, the withholder of charity, and the one reverting to Bedouin life after emigration, are cursed on the tongue of Muhammad."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْأَعْمَشُ،
عَنْ عَبْدِ اللَّهِ بْنِ مُرَّةَ، عَنْ الْحَارِثِ بْنِ عَبْدِ اللَّهِ، قَالَ:
قَالَ عَبْدُ اللَّهِ: أَكَلَ الرِّبَا وَمُؤْكِلُهُ وَكَاتِبُهُ وَشَاهِدُهُ إِذَا
عَلِمُوا بِهِ، وَالْوَاشِمَةُ وَالْمُسْتَوْشِمَةُ لِحُسْنِ، وَلَا وِي
الصَّدَقَةِ، وَالْمُرْنَدُ أَعْرَابِيًّا بَعْدَ هِجْرَتِهِ، مُلْعُونُونَ عَلَى
لِسَانِ مُحَمَّدٍ

[21999] Abu Bakr said: Waki' told us: Sufyan told us from Abu Hashim, from a man, from Ibn 'Abbas, who said: "The doors of Riba have been closed upon you, yet you engage in its prohibitions."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ،
عَنْ أَبِي هَاشِمٍ، عَنْ رَجُلٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: غُلْقَتْ
عَلَيْكُمْ أَبْوَابُ الرِّبَا فَأَنْتُمْ تُلْبِسُونَ مَحَارِمَهَا

[22000] Abu Bakr said: Ibn Numayr told us from Mujalid, from Al-Sha'bi, from 'Abd Allah, from the Prophet (saw) who said: "The consumer of Riba, the payer, the scribe, and the two witnesses are cursed."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ نُعَيْرٍ، عَنْ مُجَالِدٍ، عَنْ
الشَّعْبِيِّ، عَنْ عَبْدِ اللَّهِ، عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
قَالَ: لَعْنَ أَكْلِ الرِّبَا وَمُؤْكِلِهِ وَكَاتِبِهِ وَشَاهِدَاهُ