

10. THE BOOK OF LOST ITEMS

Chapter 1. Regarding Lost Items That Are Found

1701. Shu'bah reported from Salamah bin Kuhail, from Suwaid bin Ghafalah, who said: "I went on an expedition with Zaid bin Suwhān and Salmān bin Rabī'ah, and found a whip. They both said to me: 'Drop it,' but I said: 'No, but if I find its owner (I will return it), or else I will use it.' I then went for *Hajj*, and passed by Al-Madinah, so I asked Ubayy bin Ka'b. He said: 'I found a pouch containing one hundred Dinār, so I came to the Prophet ﷺ (asking regarding it). He said: "Announce it for a year." So I continued to announce it for a year, then I came to him. He said: "Announce it for a year." So I continued to announce it for a year, then I came to him. He again said: "Announce it for a year." So I continued to announce it for a year, then I came to him and said: "I did not find anyone who recognized it." So he said: "Remember its quantity, and its pouch, and its drawstring, and if its owner comes to you (return) it; otherwise benefit from it."

He said: "I am not sure whether he said 'announce it' thrice, or only

(المعجم ١٠) - كِتَابُ اللَّقْطَةِ

(التحفة ٤)

(المعجم ١) [- بَابُ التَّعْرِيفِ بِاللَّقْطَةِ]

(التحفة ...)

١٧٠١ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا شُعْبَةُ عَنْ سَلَمَةَ بْنِ كُهَيْلٍ عَنْ سُوَيْدِ بْنِ غَفَلَةَ قَالَ: غَزَوْتُ مَعَ زَيْدِ بْنِ صُوحَانَ وَسَلْمَانَ بْنِ رَبِيعَةَ فَوَجَدْتُ سَوْطًا، فَقَالَ لِي: اطْرَحْهُ، فَقُلْتُ: لَا وَلَكِنْ إِنْ وَجَدْتُ صَاحِبَهُ وَإِلَّا اسْتَمْتَعْتُ بِهِ، قَالَ: فَحَبَجْتُ فَمَرَرْتُ عَلَى الْمَدِينَةِ فَسَأَلْتُ أَبِيَّ بْنَ كَعْبٍ، فَقَالَ: وَجَدْتُ صُرَّةً فِيهَا مِائَةُ دِينَارٍ فَأَتَيْتُ النَّبِيَّ ﷺ فَقَالَ: «عَرِّفْهَا حَوْلًا»، فَعَرَّفْتُهَا حَوْلًا، ثُمَّ أَتَيْتُهُ فَقَالَ: «عَرِّفْهَا حَوْلًا»، فَعَرَّفْتُهَا حَوْلًا، ثُمَّ أَتَيْتُهُ، فَقَالَ: «عَرِّفْهَا حَوْلًا»، فَعَرَّفْتُهَا حَوْلًا، ثُمَّ أَتَيْتُهُ فَقُلْتُ: لَمْ أَجِدْ مَنْ يَعْرِفُهَا، فَقَالَ: «احْفَظْ عَدَدَهَا، وَوِعَاءَهَا، وَوِكَاءَهَا، فَإِنْ جَاءَ صَاحِبُهَا وَإِلَّا فَاسْتَمْتَعْ بِهَا» وَقَالَ: وَلَا أَدْرِي أَثَلَاثًا قَالَ: «عَرِّفْهَا» أَوْ مَرَّةً وَاحِدَةً.

once.”^[1] (*Ṣaḥīḥ*)

تخريج: أخرجه البخاري، اللقطة، باب: إذا أخبر رب اللقطة بالعلامة دفع إليه، ح: ٢٤٢٦ ومسلم، اللقطة، باب: معرفة العناض والوكاء وحكم ضالة الغنم والإبل، ح: ١٧٢٣ من حديث شعبة به.

1702. (Another chain) from *Shu'bah*, with its meaning (similar to no. 1701). He (ﷺ) said: “Announce it for a year,” He said: “Three times.” He said: “I do not know whether he told him that in one year, or in three years.” (*Ṣaḥīḥ*)

١٧٠٢ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى عَنْ شُعْبَةَ بِمَعْنَاهُ، قَالَ: «عَرَّفَهَا حَوْلًا»، قَالَ ثَلَاثَ مِرَارٍ، قَالَ: فَلَا أَدْرِي قَالَ لَهُ ذَلِكَ فِي سَنَةٍ أَوْ فِي ثَلَاثَ سِنِينَ.

تخريج: متفق عليه من حديث شعبة به وانظر الحديث السابق.

Comments:

Scholars differ over the period of announcement (that is, how long shall the announcement continue to be made) but all of them agree over one year as the minimum period of announcement.

1703. (Another chain) from *Ḥammād* that *Salamah bin Kuhail* narrated to them with his chain and its meaning (similar to no. 1701). Regarding announcing it, he said: “He (ﷺ) said: ‘Two or three years.’” And he said: “Be familiar with its quantity, and its pouch, and its drawstring,” and he added: “So if its owner comes to you and knows its quantity, pouch, and drawstring, give it to him.” (*Ṣaḥīḥ*) *Abū Dāwud* said: No one said this statement in this *Ḥadīth* except *Ḥammād*, meaning: “Be familiar with its quantity.”

١٧٠٣ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا حَمَّادٌ: حَدَّثَنَا سَلَمَةُ بْنُ كُهَيْلٍ بِإِسْنَادِهِ وَمَعْنَاهُ، قَالَ فِي التَّعْرِيفِ: «قَالَ عَامَرٌ أَوْ ثَلَاثَةَ»، وَقَالَ: «اعْرِفْ عَدَدَهَا، وَوَعَاءَهَا وَوِكَاءَهَا»، زَادَ: «فَإِنْ جَاءَ صَاحِبُهَا فَعَرَفَ عَدَدَهَا، وَوِكَاءَهَا فَادْفَعَهَا إِلَيْهِ». قَالَ أَبُو دَاوُدَ: «لَيْسَ يَقُولُ هَذِهِ الْكَلِمَةَ إِلَّا حَمَّادٌ فِي هَذَا الْحَدِيثِ يَعْنِي «فَعَرَفَ عَدَدَهَا».

تخريج: [إسناده صحيح] أخرجه أبو عوانة: ٣١/٤ من حديث موسى بن إسماعيل عن حماد ابن سلمة به.

1704. It was reported from *Ismā'il*

١٧٠٤ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا

^[1] The speaker here is *Shu'bah* as explained in other versions of the narration.

bin Ja'far, from Rabī'ah bin Abī 'Abdur-Rahmān, from Yazīd, the freed slave of Al-Munba'ith, from Zaid Ibn Khālīd Al-Juhānī, that a man asked the Messenger of Allāh ﷺ regarding lost items (that are found). He replied: "Announce it for a year, then be familiar with its drawstring and bag, and then spend it. But if its owner comes to you, then return it to him." The man said: "O Messenger of Allāh, how about lost sheep?" He replied, "Take it, for it is either for you, or your brother, or the wolf." He then said: "O Messenger of Allāh, how about lost camels?" At this the Messenger of Allāh ﷺ became angry until his forehead, or his face, became red, and he said: "What have you got to do with it? It has hoofs and its humps, until its owner comes to it." (*Ṣaḥīḥ*)

إِسْمَاعِيلُ بْنُ جَعْفَرٍ عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ يَزِيدَ مَوْلَى الْمُتَنِيعِ، عَنْ زَيْدِ بْنِ خَالِدٍ الْجُهَنِيِّ: أَنَّ رَجُلًا سَأَلَ رَسُولَ اللَّهِ ﷺ عَنِ اللَّقْطَةِ، فَقَالَ: «عَرَفَهَا سَنَةً ثُمَّ اِغْرِفْ وَكَاءَهَا، وَعِفَاصَهَا، ثُمَّ اسْتَنْفِقْ بِهَا، فَإِنْ جَاءَ رَبُّهَا فَأَدِّهَا إِلَيْهِ»، فَقَالَ: يَا رَسُولَ اللَّهِ! فَضَالَّةُ الْغَنَمِ؟ فَقَالَ: «خُذْهَا فَإِنَّمَا هِيَ لَكَ أَوْ لِأَخِيكَ أَوْ لِلذِّئْبِ»، قَالَ: يَا رَسُولَ اللَّهِ! فَضَالَّةُ الْإِبِلِ؟، فَعَضِبَ رَسُولُ اللَّهِ ﷺ حَتَّى احْمَرَّتْ وَجَتَاهُ، أَوْ احْمَرَّ وَجْهُهُ وَقَالَ: «مَالِكَ وَلَهَا؟»، مَعَهَا حِذَاؤُهَا وَسِقَاؤُهَا حَتَّى يَأْتِيَهَا رَبُّهَا».

تخريج: أخرجه البخاري، اللقطة، باب: إذا جاء صاحب اللقطة بعد سنة ردها عليه لأنها وديعة عنده، ح: ٢٤٣٦، ومسلم، اللقطة، باب معرفة العفاض والوكاء وحكم ضالة الغنم والإبل، ح: ١٧٢٢ عن قتيبة به.

1705. (Another chain) from Mālik with his chain and its meaning (similar to no. 1704). He added: "...Its humps, it goes to the water, and eats of the trees." And he did not say: "take it" about the lost sheep. And he said regarding lost items, "Announce it for a year, so if its owner comes, or else do with it as you please." And he did not say to spend of it. (*Ṣaḥīḥ*)

Abū Dāwud said: It was reported by Ath-Thawrī, Sulaimān bin Bilāl, and Hammād bin Salamah from

١٧٠٥ - حَدَّثَنَا ابْنُ السَّرْحِ: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي مَالِكٌ بِإِسْنَادِهِ وَمَعْنَاهُ، زَادَ: «سِقَاؤُهَا تَرِدُ الْمَاءَ وَتَأْكُلُ الشَّجَرَ»، وَلَمْ يَقُلْ: «خُذْهَا» فِي ضَالَّةِ الشَّاءِ، وَقَالَ فِي اللَّقْطَةِ: «عَرَفَهَا سَنَةً، فَإِنْ جَاءَ صَاحِبُهَا وَإِلَّا فَشَأْنُكَ بِهَا» وَلَمْ يَذْكُرْ «اسْتَنْفِقْ».

قَالَ أَبُو دَاوُدَ: رَوَاهُ الثَّوْرِيُّ وَسُلَيْمَانُ بْنُ بِلَالٍ وَحَمَّادُ بْنُ سَلَمَةَ عَنْ رَبِيعَةَ مِثْلَهُ، لَمْ يَقُولُوا: «خُذْهَا».

Rabī'ah, similarly; they did not say:
"Take it."

تخريج: [صحيح] انظر الحديث السابق. وهو في الموطأ: ٧٥٧/٢ (يحيى، ح: ١٥٢٠ بتحقيقه) ومن طريقه أخرجه البخاري، ح: ٢٤٢٩ ومسلم، ح: ١٧٢٢.

Comments:

Goats are weak and cannot bear hunger or thirst for long, nor can they defend themselves against predatory animals. Hence, it is better to take hold of them or, else, they may perish and go waste. Allāh knows best.

1706. It was reported from Busr bin Sa'eed, from Zaid bin Khālīd Al-Juhanī, that the Messenger of Allāh ﷺ was asked about the lost item that is found. He said: "Announce it for a year, and if the one who wants it comes for it, give it to him. Otherwise, be familiar with its pouch and drawstring, then consume it. And if the one seeking it comes, then give it to him." (*Ṣaḥīḥ*)

١٧٠٦ - حَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ وَهَارُونُ ابْنُ عَبْدِ اللَّهِ الْمَعْنَى، قَالَا: حَدَّثَنَا ابْنُ أَبِي فُذَيْلٍ عَنِ الضَّحَّاكِ يَعْنِي ابْنَ عُثْمَانَ، عَنْ بُسْرِ بْنِ سَعِيدٍ، عَنْ زَيْدِ بْنِ خَالِدِ الْجُهَنِيِّ: أَنَّ رَسُولَ اللَّهِ ﷺ سُئِلَ عَنِ اللَّقْطَةِ فَقَالَ: «عَرِّفْهَا سَنَةً فَإِنْ جَاءَ بَاغِيَهَا فَأَدِّهَا إِلَيْهِ وَإِلَّا فَاعْرِفْ عِفَاصَهَا وَوِكَاءَهَا ثُمَّ كُلَّهَا، فَإِنْ جَاءَ بَاغِيَهَا فَأَدِّهَا إِلَيْهِ».

تخريج: أخرجه مسلم، اللقطة، باب معرفة العفاس والوكاء وحكم ضالة الغنم والإبل، ح: ١٧٢٢/٧ من حديث الضحاک بن عثمان به.

Comments:

This ruling also applies to animals like goats, in addition to other finds. In case, it has been consumed, it is obligatory to pay the owner its price, in cash or kind, as and when its owner turns up.

1707. It was reported from 'Abdullāh bin Yazīd, from his father Yazīd, the freed slave of Al-Munba'ith, from Zaid bin Khālīd Al-Juhanī, that he said: "The Messenger of Allāh ﷺ was asked" so he mentioned similar to the narration of Rabī'ah. (no. 1704) He said: "And he was asked about the lost item, so he said: "Announce it for a year, and if its owner comes, then give it back to him, else be familiar with its drawstring and pouch, then add it to your

١٧٠٧ - حَدَّثَنَا أَحْمَدُ بْنُ حَفْصٍ: حَدَّثَنِي أَبِي: حَدَّثَنِي إِبْرَاهِيمُ بْنُ طَهْمَانَ عَنْ عَبَّادِ بْنِ إِسْحَاقَ، عَنْ عَبْدِ اللَّهِ بْنِ يَزِيدَ، عَنْ أَبِيهِ يَزِيدَ مَوْلَى الْمُتَّبِعِ، عَنْ زَيْدِ بْنِ خَالِدِ الْجُهَنِيِّ، أَنَّهُ قَالَ: سُئِلَ رَسُولُ اللَّهِ ﷺ، فَذَكَرَ نَحْوَ حَدِيثِ رَبِيعَةَ، قَالَ: وَسُئِلَ عَنِ اللَّقْطَةِ فَقَالَ: «تُعَرِّفْهَا حَوْلًا فَإِنْ جَاءَ صَاحِبُهَا دَفَعْتَهَا إِلَيْهِ، وَإِلَّا عَرَفْتَ وَكَاءَهَا وَعِفَاصَهَا ثُمَّ اقْبِضْهَا فِي مَالِكَ فَإِنْ جَاءَ صَاحِبُهَا فَادْفَعْهَا إِلَيْهِ».

possessions. And if its owner comes to you, return it to him.” (*Ṣaḥīḥ*)

تخريج: [صحيح] أخرجه النسائي في الكبرى، ح: ٥٨١٧ عن أحمد بن حفص به وهو في مشيخة إبراهيم بن طهمان: ٤ وانظر، ح: ١٧٠٤.

1708. It was reported from Ḥammād bin Salamah, from Yahyā bin Sa‘eed and Rabi‘ah, with the chain of Qutaibah and its meaning, (similar to no. 1704) He added in it: “So if the one who seeks it comes, and knows its pouch and quantity, then give it to him.”

Ḥammād also said (narrating it): “From ‘Ubaidullāh bin ‘Umar, from ‘Amr bin Shu‘aib, from his father, from his grandfather, from the Prophet ﷺ,” similarly. (*Ṣaḥīḥ*)

Abū Dāwud said: This addition, the one that Ḥammād bin Salamah added in the narration of Salamah bin Kuhail, Yāhyā bin Sa‘eed, ‘Ubaidullāh bin ‘Umar, and Rabi‘ah: “If its owner comes and knows its pouch and drawstring, then return it to him” — is not preserved (meaning) “and knows its pouch and drawstring.” (*Ṣaḥīḥ*)

And in the *Ḥadīth* reported from ‘Uqabah bin Suwaid, from his father from the Prophet ﷺ also says: “Announce it for a year.” And the *Ḥadīth* of ‘Umar bin Al-Khaṭṭāb also from the Prophet ﷺ, says: “Announce it for a year.”

١٧٠٨ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ عَنْ حَمَّادِ بْنِ سَلَمَةَ، عَنْ يَحْيَى بْنِ سَعِيدٍ وَرَبِيعَةَ بِإِسْنَادٍ قُتَيْبَةَ وَمَعْنَاهُ، زَادَ فِيهِ: «فَإِنْ جَاءَ بَاغِيهَا فَعَرَفَ عِفَاصَهَا وَعَدَدَهَا فَادْفَعَهَا إِلَيْهِ» وَقَالَ حَمَّادٌ أَيْضًا عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ عَنِ النَّبِيِّ ﷺ: مِثْلُهُ.

قَالَ أَبُو دَاوُدَ: وَهَذِهِ الزِّيَادَةُ الَّتِي زَادَ حَمَّادُ بْنُ سَلَمَةَ فِي حَدِيثِ سَلَمَةَ بْنِ كُهَيْلٍ وَيَحْيَى بْنِ سَعِيدٍ وَعَبْدِ اللَّهِ بْنِ عُمَرَ وَرَبِيعَةَ: «إِنْ جَاءَ صَاحِبُهَا فَعَرَفَ عِفَاصَهَا وَوَكَاةَهَا فَادْفَعَهَا إِلَيْهِ» لَيْسَتْ بِمَحْفُوظَةٍ، «فَعَرَفَ عِفَاصَهَا وَوَكَاةَهَا». وَحَدِيثُ عُقْبَةَ بْنِ سُوَيْدٍ عَنْ أَبِيهِ عَنِ النَّبِيِّ ﷺ أَيْضًا قَالَ: «عَرَفَهَا سَنَةً» وَحَدِيثُ عُمَرَ بْنِ الْخَطَّابِ أَيْضًا عَنِ النَّبِيِّ ﷺ قَالَ: «عَرَفَهَا سَنَةً».

تخريج: أخرجه مسلم، ح: ١٧٢٢/٦ من حديث حماد بن سلمة به وانظر الحديث السابق: ١٧٠٤.

1709. It was reported from ‘Iyād bin Ḥimār that the Messenger of Allāh ﷺ said: “Whoever finds any

١٧٠٩ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا خَالِدٌ يَعْنِي الطَّحَّانَ، ح: وَحَدَّثَنَا مُوسَى يَعْنِي ابْنَ

lost item should have one or two trustworthy people witness it, and he should not conceal or hide (anything). So if its owner comes, let him return it to him, otherwise it is the wealth of Allāh which He brings to whomever He pleases.” (Ṣaḥīḥ)

إِسْمَاعِيلَ، حَدَّثَنَا وَهَيْبٌ يَعْنِي ابْنَ خَالِدٍ، الْمَعْنَى، عَنْ خَالِدِ الْحَذَاءِ، عَنْ أَبِي الْعَلَاءِ، عَنْ مُطَرِّفٍ يَعْنِي ابْنَ عَبْدِ اللَّهِ، عَنْ عِيَّاصِ بْنِ جَمَارٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ وَجَدَ لُقْطَةً فَلْيُشْهِدْ ذَا عَدْلٍ أَوْ ذَوِي عَدْلٍ وَلَا يَكْتُمْ وَلَا يُعَيِّبْ، فَإِنْ وَجَدَ صَاحِبَهَا فَلْيُرُدَّهَا عَلَيْهِ وَإِلَّا فَهُوَ مَالُ اللَّهِ يُؤْتِيهِ مَنْ يَشَاءُ».

تخريج: [إسناده صحيح] أخرجه ابن ماجه، اللقطة، باب اللقطة، ح: ٢٥٠٥ من حديث خالد الحذاء به وصحه ابن حبان، ح: ١١٦٩.

Comments:

It is not obligatory to call upon others as witnesses nor is it possible to do so at all times. Yet it is advisable to do so in order to ward off devilish insinuations like desiring to possess it.

1710. It was reported from Ibn ‘Ajlān, from ‘Amr bin Shu‘aib, from his father, from his grandfather, ‘Abdullah bin ‘Amr bin Al-‘Ās, from the Messenger of Allāh ﷺ, that he was asked about (taking from) hanging fruits.^[1] He replied, “Whoever is in need and eats of it, without gathering any in his garments, has no (sin) upon him. And whoever leaves with anything of it, he will be fined double its amount, and will be punished. And whoever steals from it after it has been placed in its drying place, and steals more than the price of a shield, will have (his hand) cut.”

And he also mentioned regarding lost sheep and camels as other (narrations) have mentioned.

١٧١٠ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا اللَّيْثُ عَنِ ابْنِ عَجْلَانَ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ عَبْدِ اللَّهِ بْنِ عَمْرِو بْنِ الْعَاصِ، عَنْ رَسُولِ اللَّهِ ﷺ: أَنَّهُ سُئِلَ عَنِ الثَّمَرِ الْمُعْلَقِ؟ فَقَالَ: «مَنْ أَصَابَ فِيهِ مِنْ ذِي حَاجَةٍ غَيْرَ مُتَّخِذٍ حُبْنَهُ فَلَا شَيْءَ عَلَيْهِ، وَمَنْ خَرَجَ بِشَيْءٍ مِنْهُ فَعَلَيْهِ غَرَامُهُ مِثْلِيهِ وَالْعُقُوبَةُ، وَمَنْ سَرَقَ مِنْهُ شَيْئًا بَعْدَ أَنْ يُؤْوِيَهُ الْجَرِيرُ فَلَيْتُ مَنْ الْمُجْحَنِّ فَعَلَيْهِ الْقَطْعُ» وَذَكَرَ فِي ضَالَّةِ الْغَنَمِ وَالْإِبِلِ كَمَا ذَكَرَ غَيْرُهُ. قَالَ: وَسُئِلَ عَنِ اللَّقْطَةِ فَقَالَ: «مَا كَانَ مِنْهَا فِي طَرِيقِ الْمَيْتَاءِ أَوْ الْقَرْيَةِ الْجَامِعَةِ فَعَرَفْتُهَا سَنَةً، فَإِنْ جَاءَ طَالِبُهَا فَادْفَعُهَا إِلَيْهِ، فَإِنْ لَمْ يَأْتِ فَيَهِيَ لَكَ، وَمَا كَانَ فِي الْحَرَابِ» يَعْنِي «فَفِيهَا

^[1] Hanging on the vine or tree.

وَفِي الرِّكَازِ الْخُمْسُ».

He said: "And he was asked about lost items, to which he replied: 'Whatever is found on well-traversed paths, or in inhabited villages, then announce it for a year. If its seeker comes for it, give it to him, and if he does not, then it is yours. And whatever is found in abandoned sites, then in that, and in *Rikāz*,^[1] the *Khumus* (one-fifth) is due.'" (*Hasan*)

تخریج: [إسناده حسن] أخرجه الترمذي، البيهقي، باب ما جاء في الرخصة في أكل الثمرة للمار بها، ح: ١٢٨٩ والنسائي، ح: ٤٩٦١ عن قتيبة به مختصراً وصححه ابن الجارود، ح: ٨٢٧ وقال الترمذي: "حسن".

1711. (Another chain) from Al-Walid, meaning Ibn Kathīr, that 'Amr bin Shu'aib narrated to him, with his chain for this (narration, similar to no. 1710); and regarding the lost sheep he said: "Combine it (with your own)." (*Hasan*)

١٧١١ - حَدَّثَنَا مُحَمَّدُ بْنُ الْعَلَاءِ: حَدَّثَنَا أَبُو أُسَامَةَ عَنِ الْوَلِيدِ يُعْنِي ابْنَ كَثِيرٍ، حَدَّثَنِي عَمْرُو بْنُ شُعَيْبٍ بِإِسْنَادِهِ بِهَذَا: قَالَ فِي ضَالَّةِ الشَّاءِ قَالَ: «فَاَجْمَعَهَا».

تخریج: [حسن] انظر الحديث السابق، ورواه ابن ماجه، ح: ٢٥٩٦ من حديث أبي أسامة

به .

Comments:

That is, one should take care of it and keep on announcing and, upon finding the owner, hand it over to him.

1712. (Another chain) from 'Ubaidullāh bin Al-Akhnas, from 'Amr bin Shu'aib, with his chain. He said regarding the lost sheep: "It is (either) for you, or your brother, or the wolf: Take it." — only.

١٧١٢ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ عُبَيْدِ اللَّهِ بْنِ الْأَخْنَسِ، عَنْ عَمْرُو بْنِ شُعَيْبٍ بِهَذَا بِإِسْنَادِهِ: وَقَالَ فِي ضَالَّةِ الْغَنَمِ: «لَكَ أَوْ لِأَخِيكَ أَوْ لِلذِّئْبِ، خُذْهَا قَطْ». وَكَذَا قَالَ فِيهِ أَيُّوبُ وَيَعْقُوبُ بْنُ عَطَاءٍ عَنْ

^[1] Scholars of different regions defined it differently, some of them said it is ore of mines, and others said it is *Kanz* (the treasure) that was buried during pre-Islamic times and found later. Similar was mentioned earlier in the Book of *Zakāt* related to the term *Kanz*.

And similar to it was reported like that by Ayyūb and Ya'qūb bin 'Aṭā' from 'Amr bin Shu'aib, from the Prophet ﷺ, he said: "So take it." (*Hasan*)

عَمْرُو بْنُ شُعَيْبٍ عَنِ النَّبِيِّ ﷺ قَالَ: «فَخُذْهَا».

تخریج: [حسن] انظر الحديثين السابقين ورواه النسائي، قطع السارق، باب الثمر المعلق يسرق، ح: ٤٩٦٠ من حديث أبي عوانة به.

1713. It was reported from Ibn Ishāq, from 'Amr bin Shu'aib, from his father, from his grandfather, from the Prophet ﷺ, regarding this. He said about the lost sheep: "So combine it (with your own) until its seeker comes for it." (*Hasan*)

١٧١٣ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا حَمَّادٌ؛ ح: وَحَدَّثَنَا ابْنُ الْعَلَاءِ: حَدَّثَنَا ابْنُ إِدْرِيسَ عَنْ ابْنِ إِسْحَاقَ، عَنْ عَمْرُو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ عَنِ النَّبِيِّ ﷺ بِهَذَا: قَالَ فِي ضَالَّةِ الشَّاءِ: «فاجْمَعْهَا حَتَّى يَأْتِيَهَا بَاغِيهَا».

تخریج: [حسن] أخرجه أحمد: ٢٠٣/٢ عن عبدالله بن إدريس به.

1714. It was reported from 'Ubaidullāh bin Miqsam who narrated from a man, from Abū Sa'eed Al-Khudrī, that 'Alī bin Abī Tālib found a Dinār, so he brought it to Fāṭimah, who then asked the Messenger of Allāh ﷺ about it. He replied: "It is sustenance from Allāh." The Messenger of Allāh ﷺ ate from it, as did 'Alī and Fāṭimah. Later on, a woman came, announcing a Dinār that she had lost, so the Prophet ﷺ said: "O 'Alī! Give her the Dinār." (*Hasan*)

١٧١٤ - حَدَّثَنَا مُحَمَّدُ بْنُ الْعَلَاءِ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهَبٍ عَنْ عَمْرُو بْنِ الْحَارِثِ، عَنْ بُكَيْرِ بْنِ الْأَشَّجِ، عَنْ عُبَيْدِ اللَّهِ بْنِ مِقْسَمٍ حَدَّثَهُ، عَنْ رَجُلٍ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ: أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ وَجَدَ دِينَارًا فَأَتَى بِهِ فَاطِمَةَ، فَسَأَلَتْ عَنْهُ رَسُولَ اللَّهِ ﷺ، فَقَالَ: «هُوَ رِزْقُ اللَّهِ»، فَأَكَلَ مِنْهُ رَسُولُ اللَّهِ ﷺ وَأَكَلَ عَلِيٌّ وَفَاطِمَةُ، فَلَمَّا كَانَ بَعْدَ ذَلِكَ أَتَتْهُ امْرَأَةٌ تَنْشُدُ الدِّينَارَ، فَقَالَ النَّبِيُّ ﷺ: «يَا عَلِيُّ! أَدِّ الدِّينَارَ».

تخریج: [حسن] أخرجه البيهقي: ١٩٤/٦ من حديث ابن وهب به وللحديث شواهد.

1715. It was reported from Bilāl bin Yahyā Al-'Absī, from 'Alī, that he found a Dinār, so he purchased some flour with it. So the owner of the flour recognized him, and

١٧١٥ - حَدَّثَنَا الْهَيْثَمُ بْنُ خَالِدٍ الْجُهَنِيُّ: حَدَّثَنَا وَكِيعٌ عَنْ سَعْدِ بْنِ أَوْسٍ، عَنْ بِلَالِ بْنِ يَحْيَى الْعَبْسِيِّ، عَنْ عَلِيٍّ: أَنَّهُ اشْتَرَى

returned the Dinār to him. 'Alī took it, and removed two *Qirāt* (a small quantity) from this amount, and then purchased meat with it." (*Hasan*)

دِينَارًا فَاشْتَرَى بِهِ دَقِيقًا، فَعَرَفَهُ صَاحِبُ الدَّقِيقِ، فَرَدَّ عَلَيْهِ الدِّينَارَ، فَأَخَذَهُ عَلَيْهِ فَقَطَعَ مِنْهُ قِيرَاطَيْنِ فَاشْتَرَى بِهِ لَحْمًا.

تخریج: [حسن] أخرجه البيهقي: ١٩٤/٦ من حديث أبي داود به.

1716. It was reported from Sahl bin Sa'd who narrated that once 'Alī went to Fāṭimah, and saw Ḥasan and Ḥusain crying. He said: "Why are they crying?" She replied: "Because of hunger." So 'Alī left, and found a Dinār in the market-place. He came to Fāṭimah and informed her, who said: "Go to so-and-so the Jew, and purchase some flour with it." He went to the Jew and purchased some flour, but the Jew said: "Are you not the son-in-law of the one who claims he is a Prophet?" He said: "Yes." So he said: "In that case, take your Dinār, and the flour is yours!" 'Alī then returned and told Fāṭimah what had occurred, so she said: "Go to so-and-so, the butcher, and purchase a Dirham of meat." So 'Alī went and gave the Dinār as collateral for a Dirham's quantity of meat, and he brought it (to Fāṭimah). She then kneaded the flour, set (the stove), made the bread, and called for her father. When he came, she said: "O Messenger of Allāh, let me tell you (what occurred), so if you feel that it is allowed for us, we will eat of it, and you will eat with us. Its story is such and such..." So he (ﷺ) said: "Eat in the Name of Allāh." So they all ate. While they were still

١٧١٦ - حَدَّثَنَا جَعْفَرُ بْنُ مُسَافِرٍ التَّنِيسِيُّ: أَخْبَرَنَا ابْنُ أَبِي فُذَيْلٍ: أَخْبَرَنَا مُوسَى بْنُ يَعْقُوبَ الزَّمْعِيُّ عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ أَخْبَرَهُ: أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ دَخَلَ عَلَى فَاطِمَةَ وَحَسَنٍ وَحُسَيْنَ يَبْكِيَانِ، فَقَالَ: مَا يُبْكِيهِمَا؟ قَالَتْ: الْجُوعُ، فَخَرَجَ عَلَيَّيْ فَوَجَدَ دِينَارًا بِالسُّوقِ، فَجَاءَ إِلَى فَاطِمَةَ وَأَخْبَرَهَا، فَقَالَتْ: اذْهَبْ إِلَى فُلَانِ الْيَهُودِيِّ فَخُذْ لَنَا دَقِيقًا فَجَاءَ الْيَهُودِيُّ فَاشْتَرَى بِهِ دَقِيقًا، فَقَالَ الْيَهُودِيُّ: أَنْتَ خَتَنُ هَذَا الَّذِي يَزْعُمُ أَنَّهُ رَسُولُ اللَّهِ؟ قَالَ: نَعَمْ، قَالَ: فَخُذْ دِينَارَكَ وَلَكَ الدَّقِيقُ، فَخَرَجَ عَلَيَّيْ حَتَّى جَاءَ بِهِ فَاطِمَةَ فَأَخْبَرَهَا، فَقَالَتْ: اذْهَبْ إِلَى فُلَانِ الْجَزَّارِ فَخُذْ لَنَا بِدِرْهَمٍ لَحْمًا، فَذَهَبَ فَرَهَنَ الدِّينَارَ بِدِرْهَمٍ لَحْمٍ فَجَاءَ بِهِ، فَعَجَنَتْ وَنَصَبَتْ وَخَبَزَتْ وَأَرْسَلَتْ إِلَى أَبِيهَا، فَجَاءَهُمْ، فَقَالَتْ: يَا رَسُولَ اللَّهِ! أَذْكَرُ لَكَ، فَإِنْ رَأَيْتَهُ لَنَا حَلَالًا أَكَلْنَاهُ وَأَكَلْتَ مَعَنَا: مِنْ شَأْنِهِ كَذَا وَكَذَا. قَالَ: «كُلُوا بِسْمِ اللَّهِ»، فَأَكَلُوا، فَبَيَّنَا هُمْ مَكَانَهُمْ إِذْ غَلَامٌ يَنْشُدُ اللَّهَ وَالْإِسْلَامَ الدِّينَارَ، فَأَمَرَ رَسُولُ اللَّهِ ﷺ فَدُعِيَ لَهُ، فَسَأَلَهُ؟ فَقَالَ: سَقَطَ مِنِّي فِي السُّوقِ،

sitting in their places, a boy came, announcing in the Name of Allāh, and of Islam, that he had lost a Dinār. The Messenger of Allāh ﷺ commanded that he be brought, so he was called and asked (about it). He said: "I dropped it in the market-place." The Messenger of Allāh ﷺ then said: "O 'Alī! Go to the butcher, and tell him: 'The Messenger of Allāh ﷺ tells you to send the Dinār to him, and the Dirham is due upon him (the Prophet ﷺ).'" So 'Alī brought it, and the Messenger of Allāh ﷺ gave it to the boy. (*Hasan*)

فَقَالَ النَّبِيُّ ﷺ: «يَا عَلِيُّ اذْهَبْ إِلَى الْجَزَّارِ فَقُلْ لَهُ: إِنَّ رَسُولَ اللَّهِ ﷺ يَقُولُ لَكَ: أَرْسِلْ إِلَيَّ بِالدِّينَارِ وَدِرْهَمَكَ عَلَيَّ»، فَأَرْسَلَ بِهِ، فَدَفَعَهُ رَسُولُ اللَّهِ ﷺ إِلَيْهِ.

تخريج: [حسن] أخرجه البيهقي: ١٩٤/٦ من حديث أبي داود به.

1717. It was reported from Al-Mughīrah bin Ziyād, from Abū Az-Zubair Al-Makkī, who narrated from Jābir bin 'Abdullāh, that he said: "The Messenger of Allāh ﷺ granted us a concession regarding a stick, or whip, or rope, and other such items, that if a person finds it he may use it." (*Da'if*)

Abū Dāwud said: An-Nu'mān bin 'Abdus-Salām reported it from Al-Mughīrah bin Abī Salamah, with his chain, and Shabābah reported it from Mughīrah bin Muslim, from Abū Az-Zubair, from Jābir, he said: "They would (do so)" not mentioning the Prophet ﷺ.

١٧١٧ - حَدَّثَنَا سُلَيْمَانُ بْنُ عَبْدِ الرَّحْمَنِ الدَّمَشْقِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ شُعَيْبٍ عَنِ الْمُغِيرَةِ بْنِ زِيَادٍ، عَنْ أَبِي الزُّبَيْرِ الْمَكِّيِّ، أَنَّهُ حَدَّثَهُ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: رَخَّصَ لَنَا رَسُولُ اللَّهِ ﷺ فِي الْعَصَا وَالْحَبْلِ وَالسَّوْطِ وَأَشْبَاهِهِ يُلْتَقِطُهُ الرَّجُلُ يَنْتَفِعُ بِهِ.

قَالَ أَبُو دَاوُدَ: رَوَاهُ الثَّعْمَانُ بْنُ عَبْدِ السَّلَامِ عَنِ الْمُغِيرَةِ أَبِي سَلَمَةَ بِإِسْنَادِهِ وَرَوَاهُ شَبَابَةُ عَنْ مُغِيرَةَ بْنِ مُسْلِمٍ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ قَالَ: كَانُوا لَمْ يَذْكُرُوا النَّبِيَّ ﷺ.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ١٩٥/٦ من حديث أبي داود به * أبو الزبير لم

يصرح بالسماع وله علة عند ابن عدي: ٢٣٥٣/٦.

1718. It was reported by 'Ikrimah (who said), "I believe it was Abū Hurairah who said that the Prophet

١٧١٨ - حَدَّثَنَا مَخْلَدُ بْنُ خَالِدٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنْ عَمْرِو بْنِ

ﷺ said: 'The penalty for (taking) a lost camel and hiding it, is its price, and an equal amount on top of that.'" (*Da'if*)

مُسْلِمٌ، عَنْ عِكْرَمَةَ أَحْسَبُهُ، عَنْ أَبِي هُرَيْرَةَ أَنَّ النَّبِيَّ ﷺ قَالَ: «صَلَّاهُ الْإِبِلِ الْمَكْتُومَةُ غَرَامَتُهَا وَمِثْلُهَا مَعَهَا».

تخريج: [إسناده ضعيف] أخرجه البيهقي: ١٩١/٦ من حديث أبي داود به وهو في مصنف عبدالرزاق، ح: ١٨٥٩٩ وللحديث شواهد، وقع الشك في السند بين عكرمة وأبي هريرة، وعمر بن مسلم، وهو غير الجندي والله أعلم.

Comments:

It is prohibited and sinful to pick up a valuable find and hide it. According to this *Hadith*, a person hiding a valuable find shall be liable to a double fine.

1719. ‘Abdur-Raḥmān bin ‘Uthmān At-Taimī narrated that the Messenger of Allāh ﷺ forbade (picking up) the lost items of pilgrims.

Aḥmad (bin Ṣāliḥ) said: “Ibn Wahb said (meaning): ‘He should leave the lost items of pilgrims until its owner finds it.’” (*Ṣaḥīḥ*)

١٧١٩ - حَدَّثَنَا يَزِيدُ بْنُ خَالِدٍ بْنِ مَوْهَبٍ وَأَحْمَدُ بْنُ صَالِحٍ قَالَا: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي عَمْرُو عَنْ بُكَيْرٍ، عَنْ يَحْيَى بْنِ عَبْدِ الرَّحْمَنِ بْنِ حَاطِبٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عُثْمَانَ التَّيْمِيِّ: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ لُقْطَةِ الْحَاجِّ. قَالَ أَحْمَدُ: قَالَ ابْنُ وَهْبٍ: يَعْنِي فِي لُقْطَةِ الْحَاجِّ: «يَتْرُكُهَا حَتَّى يَجِدَهَا صَاحِبُهَا».

قال ابن مَوْهَبٍ عن عَمْرُو.

تخريج: أخرجه مسلم، اللقطة، باب: في لقطة الحاج، ح: ١٧٢٤ من حديث ابن وهب به.

Comments:

The *Hajj* pilgrims do not stay for long. They hurry back home on completion of the rites of *Hajj*. This makes year-long announcements of finds impossible. It is, therefore, better not to pick up their lost things and, in case they are, quick and repeated announcements should be made, or those things should be deposited with the authorities dealing with lost and found articles.

1720. Al-Mundhir bin Jarīr narrated: “We were once with Jarīr at Al-Bawāzīj, and the shepherd came back with the cows, but there was a cow that was not of the herd. Jarīr said: ‘What is this?’ He replied: ‘I found a cow, but I don’t

١٧٢٠ - حَدَّثَنَا عَمْرُو بْنُ عَوْنٍ: أَخْبَرَنَا خَالِدٌ عَنْ أَبِي حَيَّانَ التَّيْمِيِّ، عَنِ الْمُثَنَّى بْنِ جَرِيرٍ قَالَ: كُنْتُ مَعَ جَرِيرٍ بِالْبَوَازِيجِ فَجَاءَ الرَّاعِي بِالْبَقَرِ وَفِيهَا بَقَرَةٌ لَيْسَتْ مِنْهَا، فَقَالَ لَهُ جَرِيرٌ: مَا هَذِهِ؟ قَالَ: لَحِقْتُ بِالْبَقَرِ لَا

know whose it is.' Jarīr said: 'Take it out, for I heard the Messenger of Allāh ﷺ say: "No one takes a lost animal except a misguided person."' (*Ṣaḥīḥ*)

نَذَرِي لِمَنْ هِيَ، فَقَالَ جَرِيرٌ: أَخْرِجُوهُ، سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا يَأْوِي الضَّالَّةَ إِلَّا ضَالٌّ».

تخريج: [صحيح] وللحديث طريق آخر عند ابن ماجه، ح: ٢٥٠٣ وله شاهد عند مسلم، ح: ١٧٢٥ وبه صح الحديث.

Comments:

Bawāzīj Al-ʿAnbār is a region on the upper side of Baghdād. It was conquered by Jarīr, may Allāh be pleased with him.