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Of the majestic narrator and the scholar, the jurist, the Sheykh
Muhammad Bin Yaqoub Al-Kulayni

Well known as 'The trustworthy of Al-Islam Al-Kulayni'

Who died in the year 329 H

كتاب الوصايا

THE BOOK OF BEQUESTS (2)

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ، وَصَلَّى اللَّهُ عَلَى سَيِّدِنَا مُحَمَّدٍ وَآلِهِ الطَّاهِرِينَ، وَسَلَّم تَسْلِيمًا.

In the Name of Allah^{azwj} the Beneficent, the Merciful. The Praise is for Allah^{azwj} Lord^{azwj} of the Worlds, and Blessing be upon our Chief Muhammad^{saww} and his^{saww} Purified Progeny^{asws}, and greetings with abundant greetings.

بَابُ مَنْ أَوْصَى بِجُزْءٍ مِنْ مَالِهِ

Chapter 24 – One who bequeaths with a ‘part’ from his wealth

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ سَيَّابَةَ قَالَ إِنَّ امْرَأَةً أَوْصَتْ إِلَيَّ فَقَالَتْ ثُلْثِي يُقْضَى بِهِ دَيْنِي وَ جُزْءٌ مِنْهُ لِفُلَانَةَ فَسَأَلْتُ عَنْ ذَلِكَ ابْنَ أَبِي لَيْلَى فَقَالَ مَا أَرَى لَهَا شَيْئاً مَا أَدْرِي مَا الْجُزْءُ فَسَأَلْتُ عَنْهُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) بَعْدَ ذَلِكَ وَ حَبَّرْتُهُ كَيْفَ قَالَتِ الْمَرْأَةُ وَ مَا قَالَ ابْنُ أَبِي لَيْلَى فَقَالَ كَذَبَ ابْنُ أَبِي لَيْلَى لَهَا عَشْرُ الثُّلُثِ إِنَّ اللَّهَ عَزَّ وَ جَلَّ أَمَرَ إِبْرَاهِيمَ (عَلَيْهِ السَّلَام) فَقَالَ اجْعَلْ عَلَى كُلِّ جَبَلٍ مِنْهُمْ جُزْءاً وَ كَانَتِ الْجِبَالُ يَوْمَئِذٍ عَشْرَةً وَ الْجُزْءُ هُوَ الْعُشْرُ مِنَ الشَّيْءِ .

Ali Bin Ibrahim, from his father, and Muhammad Bin Yahya, from Ahmad Bin Muhammad, both together from Ibn Mahboub, from Abdullah Bin Sinan, from Abdul Rahman Bin Zayaba who said,

‘A woman bequeathed to me, so she said, ‘(With) my third, pay off my debts with it, and a part from it is for so and so (woman)’. So I asked Ibn Abu Layli about that, so he said, ‘I do not see anything for her, as I do not know what ‘a part’ is (referring to)’. So I asked Abu Abdullah^{asws} about it after that, and informed him^{asws} how the woman said and what Ibn Abu Layli had said. So he^{asws} said: ‘Ibn Abu Layli has lied. For her is a tenth from the third. Allah^{azwj} Mighty and Majestic Commanded Ibrahim^{saww}, so He^{azwj} Said **[2:260] then place on every mountain a part of them** – and the mountains in those days were ten (in number), and the part, it is the tenth from the thing’.¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ فَضَّالٍ عَنْ تَعْلَبَةَ بْنِ مَيْمُونٍ عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ أَوْصَى بِجُزْءٍ مِنْ مَالِهِ قَالَ جُزْءٌ مِنْ عَشْرَةٍ قَالَ اللَّهُ عَزَّ وَ جَلَّ اجْعَلْ عَلَى كُلِّ جَبَلٍ مِنْهُمْ جُزْءاً وَ كَانَتِ الْجِبَالُ عَشْرَةً .

Ali Bin Ibrahim, from his father, and a number of our companions, from Ahmad Bin Muhammad, both together from Ibn Fazaal, from Sa’alba Bin Maymoun, from Muawiya Bin Ammar who said,

‘Abu Abdullah^{asws} said about a man who bequeathed (donated) with a part from his wealth. He^{asws} said: ‘A part is a tenth. Allah^{azwj} Mighty and Majestic Said **[2:260] then place on every mountain a part of them** – and the mountains were ten (in number)’.²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَمَّادٍ عَنْ أَبَانَ بْنِ تَعْلَبَةَ قَالَ قَالَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَام) الْجُزْءُ وَاحِدٌ مِنْ عَشْرَةٍ لِأَنَّ الْجِبَالَ عَشْرَةٌ وَ الطُّيُورَ أَرْبَعَةٌ .

Ali Bin Ibrahim, from his father, from Hammad, from Aban Bin Taghlab who said,

¹ Al Kafi – V 7 – The Book of Bequests Ch 24 H 1

² Al Kafi – V 7 – The Book of Bequests Ch 24 H 2

'Abu Ja'far^{asws} said: 'The 'part' is one from ten, because the mountains were ten, and the birds were four'.³

بَاب مَنْ أَوْصَى بِشَيْءٍ مِنْ مَالِهِ

Chapter 25 – One who bequeaths with 'something' from his wealth

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ مُحَمَّدِ بْنِ عَمْرٍو عَنْ جَمِيلٍ عَنْ أَبَانَ عَنْ عَلِيِّ بْنِ الْحُسَيْنِ (عَلَيْهِ السَّلَام) أَنَّهُ سُئِلَ عَنْ رَجُلٍ أَوْصَى بِشَيْءٍ مِنْ مَالِهِ فَقَالَ الشَّيْءُ فِي كِتَابِ عَلِيٍّ (عَلَيْهِ السَّلَام) وَاحِدٌ مِنْ سِتَّةٍ .

A number of our companions, from Ahmad Bin Abu Abdullah, from Muhamamd Bin Amro, from Jameel, from Aban,

(It has been narrated) from Ali^{asws} Bin Al-Husayn^{asws} having been asked about a man who bequeathed with 'something' from his wealth. So he^{asws} said: 'The 'something' in the Book of Ali^{asws} is one from six (1/6)'.⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عَيْسَى عَنْ ابْنِ فَضَّالٍ أَوْ غَيْرِهِ عَنْ جَمِيلٍ عَنْ أَبَانَ عَنْ عَلِيِّ بْنِ الْحُسَيْنِ (عَلَيْهِ السَّلَام) قَالَ سُئِلَ عَنْ رَجُلٍ أَوْصَى بِشَيْءٍ مِنْ مَالِهِ قَالَ الشَّيْءُ فِي كِتَابِ عَلِيٍّ (عَلَيْهِ السَّلَام) مِنْ سِتَّةٍ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Ibn Fazaal, or someone else, from Jameel, from Aban,

(It has been narrated) from Ali^{asws} Bin Al-Husayn^{asws}, said, 'He^{asws} was asked about a man who bequeathed with 'something' from his wealth. He^{asws} said: 'The 'something' in the Book of Ali^{asws} is (one) from six (1/6)'.⁵

بَاب مَنْ أَوْصَى بِسَهْمٍ مِنْ مَالِهِ

Chapter 26 – One who bequeaths with a 'portion' from his wealth

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ سُئِلَ عَنْ رَجُلٍ يُوصِي بِسَهْمٍ مِنْ مَالِهِ فَقَالَ السَّهْمُ وَاحِدٌ مِنْ ثَمَانِيَةِ لِقَوْلِ اللَّهِ تَبَارَكَ وَتَعَالَى إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَ الْمَسْكِينِ وَ الْعَامِلِينَ عَلَيْهَا وَ الْمُؤَلَّفَةِ قُلُوبُهُمْ وَ فِي الرِّقَابِ وَ الْغَارِمِينَ وَ فِي سَبِيلِ اللَّهِ وَ ابْنِ السَّبِيلِ .

Ali Bin Ibrahim, from his father, from Al Nowfaly, from Al Sakuny,

(It has been narrated) from Abu Abdullah^{asws} having been asked about a man who bequeathed with a 'portion' of his wealth. So he^{asws} said: 'The 'portion' is one from eight (1/8) due to the Words of Allah^{azwj} Blessed and High [9:60] **But rather, the charities are only for the poor and the needy, and the officials (appointed) over them, and those whose hearts are made to incline (to Truth) and the (ransoming of) captives and those in debts and in the Way of Allah and the wayfarer**'.⁶

³ Al Kafi – V 7 – The Book of Bequests Ch 24 H 3

⁴ Al Kafi – V 7 – The Book of Bequests Ch 25 H 1

⁵ Al Kafi – V 7 – The Book of Bequests Ch 25 H 2

⁶ Al Kafi – V 7 – The Book of Bequests Ch 26 H 1

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ صَفْوَانَ قَالَ سَأَلْتُ الرَّضَا (عَلَيْهِ السَّلَام) وَ مُحَمَّدٌ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ صَفْوَانَ وَ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ أَبِي نَصْرٍ قَالَا سَأَلْنَا أَبَا الْحَسَنِ الرَّضَا (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ أَوْصَى بِسَهْمٍ مِنْ مَالِهِ وَ لَا يُدْرَى السَّهْمُ أَيُّ شَيْءٍ هُوَ فَقَالَ لَيْسَ عِنْدَكُمْ فِيهَا بَلَّغَكُمْ عَنْ جَعْفَرٍ وَ لَا عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) فِيهَا شَيْءٌ فَلْنَا لَهُ جُعَلْنَا فِدَاكَ مَا سَمِعْنَا أَصْحَابَنَا يَذْكُرُونَ شَيْئاً مِنْ هَذَا عَنْ آبَائِكَ

Ali Bin Ibrahim, from his father, from Safwan who said, 'I asked Al Reza ^{asws}; and Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Safwan and Ahmad Bin Muhammad Bin Abu Nasr who both said,

'We asked Abu Al-Hassan Al-Reza ^{asws} about a man who bequeathed with a 'portion' from his wealth, and we do not know the 'portion', which this is it?' So he ^{asws} said: 'Is there not with you among what has reached you neither from Ja'far ^{asws} nor Abu Ja'far ^{asws} anything with regards to it?' We said to him ^{asws}, 'May we be sacrificed for you ^{asws}! We have not hear our companions mentioning anything from this, from you ^{asws} forefathers ^{asws}'.

فَقَالَ السَّهْمُ وَاحِدٌ مِنْ ثَمَانِيَةٍ فَقَلْنَا لَهُ جُعَلْنَا فِدَاكَ كَيْفَ صَارَ وَاحِداً مِنْ ثَمَانِيَةٍ فَقَالَ أَمَا تَقْرَأُ كِتَابَ اللَّهِ عَزَّ وَ جَلَّ قُلْتُ جُعَلْتُ فِدَاكَ إِنِّي لَأَقْرُؤُهُ وَ لَكُنْ لَا أَدْرِي أَيُّ مَوْضِعٍ هُوَ فَقَالَ قَوْلُ اللَّهِ عَزَّ وَ جَلَّ إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَ الْمَسْكِينِ وَ الْعَامِلِينَ عَلَيْهَا وَ الْمُؤَلَّفَةِ قُلُوبُهُمْ وَ فِي الرِّقَابِ وَ الْعَارِمِينَ وَ فِي سَبِيلِ اللَّهِ وَ ابْنِ السَّبِيلِ ثُمَّ عَقَدَ بِيَدِهِ ثَمَانِيَةَ قَالَ وَ كَذَلِكَ قَسَمَهَا رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَ آله) عَلَى ثَمَانِيَةِ أَسْهُمٍ فَالسَّهْمُ وَاحِدٌ مِنْ ثَمَانِيَةٍ .

So he ^{asws} said: 'The 'portion' is one from eight (1/8)'. So we said to him ^{asws}, 'May we be sacrificed for you ^{asws}! How did it come to be one from eight?' So he ^{asws} said: 'Have you nor read the Book of Allah ^{azwj} Mighty and Majestic?' I said, 'May I be sacrificed for you ^{asws}! I have read it, but I do not know in which place it is'. So he ^{asws} said: 'The Words of Allah ^{azwj} Mighty and Majestic [9:60] **But rather, the charities are only for the poor and the needy, and the officials (appointed) over them, and those whose hearts are made to incline (to Truth) and the (ransoming of) captives and those in debts and in the Way of Allah and the wayfarer**'. Then he ^{asws} made (the number) eight by his hand, and said: 'And similarly, Rasool-Allah ^{saww} divided it upon eight portions. Therefore, the 'portion' is one from eight'.⁷

باب الْمَرِيضِ يُقْرِ لَوَارِثِ بَدِينِ

Chapter 27 – The sick one acknowledges to an inheritor of the debt

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادِ بْنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ قَالَ قُلْتُ لَهُ الرَّجُلُ يُقْرِ لَوَارِثِ بَدِينِ فَقَالَ يَجُوزُ إِذَا كَانَ مَلِيئاً .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby,

(It has been narrated) from Abu Abdullah ^{asws}, said, 'I said to him ^{asws}, 'The man acknowledged to an inheritor with the debt'. So he ^{asws} said: 'Allowed, if it was prolonged'.⁸

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنْ مَنْصُورِ بْنِ حَازِمٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ أَوْصَى لِبَعْضِ وَرَثَتِهِ أَنْ لَهُ عَلَيْهِ دَيْنٌ فَقَالَ إِنْ كَانَ الْمَيْتُ مَرَضِيّاً فَأَعْطَهُ الَّذِي أَوْصَى لَهُ .

⁷ Al Kafi – V 7 – The Book of Bequests Ch 26 H 2

⁸ Al Kafi – V 7 – The Book of Bequests Ch 27 H 1

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, from Mansour Bin Hazim who said,

'I asked Abu Abdullah^{asws} about a man who bequeathed to one of his inheritors for whom was a debt upon himself. So he^{asws} said: 'If the deceased was pleased with (from other inheritors), so give it to the one whom he bequeathed it to'.⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عَيْسَى عَنْ عَلِيِّ بْنِ النُّعْمَانِ عَنِ ابْنِ مُسْكَانَ عَنِ الْعَلَاءِ بْنِ بِيَّاعِ السَّابِرِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ امْرَأَةٍ اسْتَوْدَعَتْ رَجُلًا مَالًا فَلَمَّا حَضَرَتْهَا الْوَفَاةُ قَالَتْ لَهُ إِنَّ الْمَالَ الَّذِي دَفَعْتُهُ إِلَيْكَ لِفُلَانَةٍ وَ مَاتَتِ الْمَرْأَةُ فَأَتَى أَوْلِيَاؤُهَا الرَّجُلَ فَقَالُوا لَهُ إِنَّهُ كَانَ لِصَاحِبَتِنَا مَالٌ وَ لَا نَرَاهُ إِلَّا عِنْدَكَ فَاحْلِفْ لَنَا أَنْ مَا لَهَا قَبْلَكَ شَيْءٌ أَوْ فَيَحْلِفُ لَهُمْ فَقَالَ إِنَّ كَانَتْ مَأْمُونَةً عِنْدَهُ فَيَحْلِفُ لَهُمْ وَ إِنْ كَانَتْ مِنْهُمْ فَلَا يَحْلِفُ وَ يَضَعُ الْأَمْرَ عَلَى مَا كَانَ فَإِنَّمَا لَهَا مِنْ مَالِهَا ثُلُثُهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Ali Bin Al Noman, from Ibn Muskan, from Al A'ala Baya'a Al Sabiry who said,

'I asked Abu Abdullah^{asws} about a woman who entrusted a man with wealth. So when the death presented itself to her, she said to him, 'The wealth which I handed over to you is for so and so'. And the woman died. So her guardians came over to the man, so they said to him, 'There used to be wealth for our companion and we do not see it except it is with you, therefore swear an oath to us that it there is nothing for her'. Is it for him that he should swear an oath to them?' So he^{asws} said: 'If she was trustworthy in his presence, so he should swear an oath to them, and if he was an accused, so he should not swear an oath, and should place the matter upon what it was. But rather, for her, from her wealth, was a third'.¹⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ إِسْمَاعِيلَ بْنِ جَابِرٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ أَقْرَبَ لَوَارِثٍ لَهُ وَ هُوَ مَرِيضٌ بِدَيْنٍ عَلَيْهِ قَالَ يَجُوزُ عَلَيْهِ إِذَا أَقْرَبَ بِهِ دُونَ الثَّلَاثِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Hisham Bin Salim, from Ismail Bin Jabir who said,

'I asked Abu Abdullah^{asws} about a man who acknowledge to an inheritor of his, and he was ill, with a debt being upon him. He^{asws} said: 'It is allowed for him (to pay off), when he acknowledge with it, besides the third'.¹¹

ابْنُ مَحْبُوبٍ عَنْ أَبِي وَ لَادٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ مَرِيضٍ أَقْرَبَ عِنْدَ الْمَوْتِ لَوَارِثٍ بِدَيْنٍ لَهُ عَلَيْهِ قَالَ يَجُوزُ ذَلِكَ فَإِنْ أَوْصَى لَوَارِثٍ بِشَيْءٍ قَالَ جَائِزٌ .

Ibn Mahboub, from Abu Walad who said,

'I asked Abu Abdullah^{asws} about a man who was sick, acknowledged during the death to an inheritor, of there being a debt for him, over himself. He^{asws} said: 'That is allowed'. I said, 'So if he were to bequeath to the inheritor with something?' He^{asws} said: 'Allowed'.¹²

بَابُ بَعْضِ الْوَرِثَةِ يُقْرَبُ بَعْتَقِي أَوْ دَيْنٍ

⁹ Al Kafi – V 7 – The Book of Bequests Ch 27 H 2

¹⁰ Al Kafi – V 7 – The Book of Bequests Ch 27 H 3

¹¹ Al Kafi – V 7 – The Book of Bequests Ch 27 H 4

¹² Al Kafi – V 7 – The Book of Bequests Ch 27 H 5

Chapter 28 – Some the of the inheritors acknowledge the emancipation or debt

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ إِسْمَاعِيلَ بْنِ مَرَّارٍ عَنْ يُونُسَ عَنْ مَنْصُورِ بْنِ حَازِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ مَاتَ وَتَرَكَ عَبْدًا فَشَهِدَ بَعْضُ وُلْدِهِ أَنَّ أَبَاهُ أَعْتَقَهُ قَالَ يَجُوزُ عَلَيْهِ شَهَادَتُهُ وَلَا يُعْرَمُ وَيُسْتَسْعَى الْعِلَامُ فِيمَا كَانَ لِغَيْرِهِ مِنَ الْوَرْتَةِ .

Ali Bin Ibrahim, from his father, from Ismail Bin marrar, from Yunus, from Mansour Bin Hazim,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who died and left a slave, so one of his children testified that his father had emancipated (liberated) him. He^{asws} said: 'His testimony is allowed over it, and he would neither be made to compensate nor would the slave have to work for it with regards to what was for the others from the inheritors'.¹³

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي بَانَ بْنِ عُمَانَ عَنْ مَنْصُورِ بْنِ حَازِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ مَاتَ وَتَرَكَ غُلَامًا مَمْلُوكًا فَشَهِدَ بَعْضُ الْوَرْتَةِ أَنَّهُ حُرٌّ فَقَالَ إِنْ كَانَ الشَّاهِدُ مَرْضِيًّا جَازَتْ شَهَادَتُهُ فِي نَصِيبِهِ وَاسْتُسْعَى فِيمَا كَانَ لِغَيْرِهِ مِنَ الْوَرْتَةِ .

Hameed Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from one of his companions, from Aban Bin Usman, from Mansour Bin Hazim,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about a man who died and left an owned slave. So one of the inheritors testifies that he is free. So he^{asws} said: 'If he was present during illness, his testimony is allowed with regards to his share, and he (the slave) would have to work with regards to what was for the others from the inheritors'.¹⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ مُحَمَّدِ بْنِ أَبِي حَمَزَةَ وَحُسَيْنِ بْنِ عُمَانَ عَنْ إِسْحَاقِ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ مَاتَ فَافْتَرَّ عَلَيْهِ بَعْضُ وَرَثَتِهِ لِرَجُلٍ بَدِينٍ قَالَ يَلْزَمُهُ ذَلِكَ فِي حِصَّتِهِ .

Ali Bin Ibrahim, form his father, from Ibn Abu Umeyr, from Muhammad Bin Abu Hamza, and Husayn Bin Usman, from Is'haq Bin Ammar,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who died, so one of his inheritors acknowledged a debt over him. He^{asws} said, 'That (the debt) would be necessitated in his share (of inheritance)'.¹⁵

بَابُ الرَّجُلِ يَتْرُكُ الشَّيْءَ الْقَلِيلَ وَ عَلَيْهِ دَيْنٌ أَكْثَرُ مِنْهُ وَ لَهُ عِيَالٌ

Chappter 29 – The man leaves something little, and upon him is a debt more than it, and for him are dependants

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ أَبِي نَصْرٍ بِإِسْنَادٍ لَهُ أَنَّهُ سُئِلَ عَنْ رَجُلٍ يَمُوتُ وَ يَتْرُكُ عِيَالًا وَ عَلَيْهِ دَيْنٌ أَ يَنْفِقُ عَلَيْهِمْ مِنْ مَالِهِ قَالَ إِنْ اسْتَيْقَنَ أَنَّ الدَّيْنَ الَّذِي عَلَيْهِ يُحِيطُ بِجَمِيعِ الْمَالِ فَلَا يَنْفِقُ عَلَيْهِمْ وَ إِنْ لَمْ يَسْتَيْقَنَ فَلْيَنْفِقْ عَلَيْهِمْ مِنْ وَسْطِ الْمَالِ .

¹³ Al Kafi – V 7 – The Book of Bequests Ch 28 H 1

¹⁴ Al Kafi – V 7 – The Book of Bequests Ch 28 H 2

¹⁵ Al Kafi – V 7 – The Book of Bequests Ch 28 H 3

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Abu Nast, by a chain of his that,

'He^{asws} was asked about a man who died and left dependents, and upon him was a debt. Can he spend upon them from his wealth?' He^{asws} said: 'If he is convinced that the debt which is upon him encompasses the entirety of the wealth, so he should not spend upon them, and if he is not convinced, so let him spend over them from the middle of the wealth'.¹⁶

حُمَيْدُ بْنُ زِيَادٍ عَنِ ابْنِ سَمَاعَةَ عَنِ الْحُسَيْنِ بْنِ هَاشِمٍ وَ مُحَمَّدِ بْنِ زِيَادٍ جَمِيعاً عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ عَنْ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ) مِثْلَهُ إِلَّا أَنَّهُ قَالَ إِنْ كَانَ يُسْتَيْقَنُ أَنَّ الَّذِي تَرَكَ يُحِبِّطُ بِجَمِيعِ دَيْنِهِ فَلَا يُنْفِقُ عَلَيْهِمْ وَإِنْ لَمْ يَكُنْ يُسْتَيْقَنُ فَلْيُنْفِقْ عَلَيْهِمْ مِنْ وَسْطِ الْمَالِ .

Hameed Bin iyad, from Ibn Sama'at, from Al Husayn Bin Hashim and Muhammad Bin Ziyad, both together, from Abdul Rahman Al hajjaj,

(It has been narrated) from Abu Al-Hassan, similar to it except that he^{asws} said: 'If he was convinced that, that which he has left would be encompassed by his debt, so he should not spend upon them, and if was not convinced, so let him spend over them from the middle of the wealth'.¹⁷

حُمَيْدُ بْنُ زِيَادٍ عَنِ ابْنِ سَمَاعَةَ عَنْ سُلَيْمَانَ بْنِ دَاوُدَ أَوْ بَعْضِ أَصْحَابِنَا [عَنْهُ] عَنْ عَلِيِّ بْنِ أَبِي حَمْزَةَ عَنْ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ إِنْ رَجُلًا مِنْ مَوَالِيكَ مَاتَ وَ تَرَكَ وَوَدَّ صِغَارًا وَ تَرَكَ شَيْئًا وَ عَلَيْهِ دَيْنٌ وَ لَيْسَ يَعْلَمُ بِهِ الْغُرَمَاءُ فَإِنْ قَضَاهُ لُغْرَمَائِهِ بَقِيَ وَوَدَّهُ وَ لَيْسَ لَهُمْ شَيْءٌ فَقَالَ أَنْفَقَهُ عَلَى وُلْدِهِ .

Hameed Bin iyad, from Ibn Sama'at, from Suleyman Bin Dawood, or one of our companions, from him, from Ali Bin Abu Hama,

(It has been narrated) from Abu Al Hassan^{asws}, said, 'I said to him^{asws} that a man from those in your^{asws} Wilayah, died and left small children, and left something, and upon him was debt, and the creditors do not know about it. So if it is spent upon his creditors, and his children would remain, and there would be nothing for them'. So he^{asws} said: 'Spend it upon his children'.¹⁸

باب

Chapter 30 – Bequeathing of a sword includes its sheath, and bequeathing a container included its contents

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ أَبِي نَصْرٍ عَنْ أَبِي جَمِيلَةَ عَنِ الرَّضَا (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ أَوْصَى لِرَجُلٍ بِسَيْفٍ وَ كَانَ فِي جَفْنٍ وَ عَلَيْهِ حِلْيَةٌ فَقَالَ لَهُ الْوَرَثَةُ إِنَّمَا لَكَ النَّصْلُ وَ لَيْسَ لَكَ الْمَالُ قَالَ فَقَالَ لَا بَلِ السَّيْفُ بِمَا فِيهِ لَهُ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ahmad Bin Muhammad Bin Abu Nasr, from Abu Jameela,

(It has been narrated) from Al-Reza^{asws}, said, 'I asked him^{asws} about a man who bequeathed a sword to a man, and it was in a sheath, and upon it were ornaments.

¹⁶ Al Kafi – V 7 – The Book of Bequests Ch 29 H 1

¹⁷ Al Kafi – V 7 – The Book of Bequests Ch 29 H 2

¹⁸ Al Kafi – V 7 – The Book of Bequests Ch 29 H 3

So the inheritors said to him, 'But rather, for you is the blade, and the wealth (ornaments) is not for you'. So he^{asws} said: 'No, but the sword with whatever it was it, is for him'.

قَالَ فَقُلْتُ رَجُلٌ أَوْصَى لِرَجُلٍ بِصُنْدُوقٍ وَ كَانَ فِيهِ مَالٌ فَقَالَ الْوَرَثَةُ إِنَّمَا لَكَ الصُّنْدُوقُ وَ لَيْسَ لَكَ الْمَالُ قَالَ فَقَالَ أَبُو الْحَسَنِ (عليه السلام) الصُّنْدُوقُ بِمَا فِيهِ لَهُ .

He (the narrator) said, 'So I said, 'A man bequeathed a container and there used to be wealth in it. So the inheritors said, 'But rather, for you is the container and the wealth is not for you'. So Abu Al-Hassan^{asws} said: 'The container along with whatever is in it, is for him'.¹⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ هِلَالٍ عَنْ عُقْبَةَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ قَالَ هَذِهِ السَّفِينَةُ لِفُلَانٍ وَ لَمْ يُسَمَّ مَا فِيهَا وَ فِيهَا طَعَامٌ أُعْطَاهَا الرَّجُلُ وَ مَا فِيهَا قَالَ هِيَ لِلَّذِي أَوْصَى لَهُ بِهَا إِلَّا أَنْ يَكُونَ صَاحِبُهَا مُتَّهَمًا وَ لَيْسَ لِلْوَرَثَةِ شَيْءٌ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Muhammad Bin Abdullah Bin Hilal, from Uqbat Bin Khalid,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about a man who said, 'This ship here is for so and so, and did not name whatever was in it, and in it was foodstuff. Shall it be give to the man along with what is in it?' He^{asws} said: 'It is which was bequeathed to him with, unless that its owner happens to be accused, and there would be nothing for the inheritors'.²⁰

وَ عَنْهُ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ أَبِي نَصْرٍ عَنْ أَبِي جَمِيلَةَ الْمُفَضَّلِ بْنِ صَالِحٍ قَالَ كَتَبْتُ إِلَى أَبِي الْحَسَنِ (عليه السلام) أَسَأَلُهُ عَنْ رَجُلٍ أَوْصَى لِرَجُلٍ بِسَيْفٍ فَقَالَ الْوَرَثَةُ إِنَّمَا لَكَ الْحَدِيدُ وَ لَيْسَ لَكَ الْحَلِيَّةُ لَيْسَ لَكَ غَيْرُ الْحَدِيدِ فَكَتَبَ إِلَيَّ السَّيْفُ لَهُ وَ حَلِيَّتُهُ .

And from him, from Muhammad Bin Al Husayn, from Ahmad Bin Muhammad Bin Abu Nasr, from Abu Jameela Al Mufazzal Bin Salih who said,

'I wrote to Abu Al-Hassan^{asws} asking him^{asws} about a man who bequeathed to a man with a sword. So the inheritors said, 'But rather, for you is the iron, and the ornaments are not for you, other than the iron'. So he^{asws} wrote to me: 'The sword is for him, as well as its ornaments'.²¹

عَنْهُ عَنْ عَلِيِّ بْنِ عُقْبَةَ عَنْ أَبِيهِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنْ رَجُلٍ أَوْصَى لِرَجُلٍ بِصُنْدُوقٍ وَ كَانَ فِي الصُّنْدُوقِ مَالٌ فَقَالَ الْوَرَثَةُ إِنَّمَا لَكَ الصُّنْدُوقُ وَ لَيْسَ لَكَ مَا فِيهِ فَقَالَ الصُّنْدُوقُ بِمَا فِيهِ لَهُ .

From him, from Ali Bin Uqba, from his father who said,

'I asked Abu Abdullah^{asws} about a man who bequeathed to a man with a container, and there was wealth in the container. So the inheritors said, 'For you is the container, and whatever is in it is not for you'. So he^{asws} said: 'The container along with whatever is in it, is for him'.²²

¹⁹ Al Kafi – V 7 – The Book of Bequests Ch 30 H 1

²⁰ Al Kafi – V 7 – The Book of Bequests Ch 30 H 2

²¹ Al Kafi – V 7 – The Book of Bequests Ch 30 H 3

²² Al Kafi – V 7 – The Book of Bequests Ch 30 H 4

باب مَنْ لَا تَجُوزُ وَصِيَّتُهُ مِنَ الْبَالِغِينَ**Chapter 31 – The mature ones who bequest is not allowed**

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ أَبِي وَهَّابٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) يَقُولُ مَنْ قَتَلَ نَفْسَهُ مُتَعَمِّدًا فَهُوَ فِي نَارِ جَهَنَّمَ خَالِدًا فِيهَا قَبْلَ لَهُ أَرَأَيْتَ إِنْ كَانَ أَوْصَى بِوَصِيَّتِهِ ثُمَّ قَتَلَ نَفْسَهُ مِنْ سَاعَتِهِ تَنْفِذَ وَصِيَّتَهُ قَالَ فَقَالَ إِنْ كَانَ أَوْصَى قَبْلَ أَنْ يُحْدِثَ حَدَثًا فِي نَفْسِهِ مِنْ جَرَاخَةٍ أَوْ فِعْلٍ لَعَلَّهُ يَمُوتُ أُجِيزَتْ وَصِيَّتُهُ فِي الثَّلَاثِ وَ إِنْ كَانَ أَوْصَى بِوَصِيَّتِهِ بَعْدَ مَا أَحْدَثَ فِي نَفْسِهِ مِنْ جَرَاخَةٍ أَوْ فِعْلٍ لَعَلَّهُ يَمُوتُ لَمْ تَجُزْ وَصِيَّتُهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Mahboub, from Abu Walaad who said,

'I heard Abu Abdullah^{asws} saying: 'The one who kills himself intentionally, so he would be in the Fire of Hell, eternally abiding in it'. It was said to him^{asws}, 'What is your^{asws} view that if he bequeaths with a bequest, then kills himself after a while. Would his bequest be enforced?' So he^{asws} said: 'If he had bequeathed before the occurrence of the event with regards to himself, from the injuries, or did for the reason that he would die, his bequest is allowed with regards to the third. And if he had bequeathed his bequest after the occurrence with regards to himself, from the injuries, or did it for the reason of him dying, his bequest would not be allowed'.²³

باب مَنْ أَوْصَى لِقَرَابَاتِهِ وَ مَوَالِيهِ كَيْفَ يُقَسَّمُ بَيْنَهُمْ**Chapter 32 – The man who bequeaths to his relatives and his friends, how it should be distributed between them**

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ قَالَ كَتَبْتُ إِلَى أَبِي مُحَمَّدٍ (عليه السلام) رَجُلٌ كَانَ لَهُ ابْنَانِ فَمَاتَ أَحَدُهُمَا وَ لَهُ وُلْدٌ ذَكَورٌ وَ إِنَاثٌ فَأَوْصَى لَهُمْ جَدُّهُمْ بِسَهْمِ أَبِيهِمْ فَهَذَا السَّهْمُ الذَّكَرُ وَ الْأُنْثَى فِيهِ سَوَاءٌ أَمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَى فَوَقَعَ (عليه السلام) يُنْفِذُونَ وَصِيَّتَهُ جَدُّهُمْ كَمَا أَمَرَ إِنْ شَاءَ اللَّهُ

A number of our companions, from Sahl Bin Ziyad who said,

'I wrote to Abu Muhammad^{asws}, 'A man had two sons for him, so one of them died having (left behind) a boy and a girl. So their grandfather bequeathed to them with the portion of their father. So in this portion, the male and the female are equal in it, or for the male would be similar to two females?' So he^{asws} signed: 'The bequest of their grandfather would be enforced just as he had ordered, Allah^{azwj} Willing'.

قَالَ وَ كَتَبْتُ إِلَيْهِ رَجُلٌ لَهُ وُلْدٌ ذَكَورٌ وَ إِنَاثٌ فَأَقَرَّ لَهُمْ بِضَيْعَةٍ أَنَّهَا لَوْلَدِهِ وَ لَمْ يَذْكُرْ أَنَّهَا بَيْنَهُمْ عَلَى سَهَامِ اللَّهِ عَزَّ وَ جَلَّ وَ فَرَأَيْتَهُ الذَّكَرُ وَ الْأُنْثَى فِيهِ سَوَاءٌ فَوَقَعَ (عليه السلام) يُنْفِذُونَ فِيهَا وَصِيَّتَهُ أَبِيهِمْ عَلَى مَا سَمَى فَإِنْ لَمْ يَكُنْ سَمَى شَيْئًا رَدُّوهُمَا إِلَى كِتَابِ اللَّهِ عَزَّ وَ جَلَّ وَ سُنَّةِ نَبِيِّهِ (صلى الله عليه وآله) إِنْ شَاءَ اللَّهُ .

He (the narrator) said, 'And I wrote to him^{asws}, 'A man who had children, male and female, so he agreed for then with a place that it is for his children, and did not mention that it is (to be divided) between them with the share (Prescribed by) Allah^{azwj} Mighty and Majestic, and His^{azwj} Obligation. The male and the female are equal in it?' So he^{asws} signed: 'The bequest of their father would be enforced upon what he has named. So if he had not mentioned anything, so refer it to the Book of

²³ Al Kafi – V 7 – The Book of Bequests Ch 31 H 1

Allah^{azwj} Mighty and Majestic, and the Sunnah of His^{azwj} Prophet^{saww}, Allah^{azwj} Willing'.²⁴

مُحَمَّدُ بْنُ يَحْيَى قَالَ كَتَبَ مُحَمَّدُ بْنُ الْحَسَنِ إِلَى أَبِي مُحَمَّدٍ (عَلَيْهِ السَّلَامُ) رَجُلٌ أَوْصَى بِثُلُثِ مَالِهِ لِمَوْلَاتِهِ وَ لِمَوْلَاتِهِ الذَّكَرُ وَالْأُنثَى فِيهِ سَوَاءٌ أَوْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَى مِنَ الْوَصِيَّةِ فَوَقَّعَ (عَلَيْهِ السَّلَامُ) جَائِزٌ لِلْمَيِّتِ مَا أَوْصَى بِهِ عَلَى مَا أَوْصَى بِهِ إِنْ شَاءَ اللَّهُ .

Muhammad Bin Yahy said,

'Muhammad Bin Al-Hassan wrote to Abu Muhammad^{asws}, 'A man bequeathed with a third of his wealth to his male friends and his female friends. Are the males and the females equal in it, or is there to be for the males similar portion of two females from the bequest?' So he^{asws} signed: 'It I allowed for the deceased what he had bequeathed with, upon what he had bequeathed with, Allah^{azwj} Willing'.²⁵

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ رَبَائِبٍ عَنِ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ أَوْصَى بِثُلُثِ مَالِهِ فِي أَعْمَامِهِ وَ أَحْوَالِهِ فَقَالَ لِأَعْمَامِهِ الثَّلَاثَانِ وَ لِأَحْوَالِهِ الثَّلَاثُ .

A number of our companions, from Sahl Bin Ziyad, and Ali Bin Ibrahim, from his father, both together from Ibn Mahboub, from Ibn Raib, from Zurara,

(It has been narrated) from Abu Ja'far^{asws} regarding a man who bequeathed with a third of his wealth among his paternal uncles and his maternal uncles. So he^{asws} said: 'For the paternal uncles is two thirds, and for the maternal uncles is a third'.²⁶

بَابُ مَنْ أَوْصَى إِلَى مُذْرِكٍ وَ أَشْرَكَ مَعَهُ الصَّغِيرَ

Chapter 33 – The one who bequeaths to an adult and associates the young one with him

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ عَيْسَى بْنِ عُبَيْدٍ عَنْ أَخِيهِ جَعْفَرِ بْنِ عَيْسَى عَنْ عَلِيِّ بْنِ يَقُطِينِ قَالَ سَأَلْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ أَوْصَى إِلَى امْرَأَةٍ فَأَشْرَكَ فِي الْوَصِيَّةِ مَعَهَا صَبِيًّا فَقَالَ يَجُوزُ ذَلِكَ وَ تَمْضِي الْمَرْأَةُ الْوَصِيَّةَ وَ لَا يَنْتَظَرُ بُلُوغَ الصَّبِيِّ فَإِذَا بَلَغَ الصَّبِيُّ فَلَيْسَ لَهُ أَنْ لَا يَرْضَى إِلَّا مَا كَانَ مِنْ تَبْدِيلٍ أَوْ تَغْيِيرٍ فَإِنْ لَهُ أَنْ يَرُدَّهُ إِلَى مَا أَوْصَى بِهِ الْمَيِّتُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Isa Bin Ubeyd, from his brother Ja'far Bin Isa, from Ali Bin Yaqteen who said,

'I asked Abu Al-Hassan^{asws} about a man who bequeathed to a woman, so he associated in the bequest a child along with her. So he^{asws} said: 'That is allowed, and the woman would enforce the bequest and will not wait for the adulthood of the child. So when the child reaches adulthood, so it would not be for him he is not happy, except what was from the alteration or changing (of the bequest), so then there would be for him that he can return it to what the deceased had bequeathed to him (beforehand)'.²⁷

²⁴ Al Kafi – V 7 – The Book of Bequests Ch 32 H 1

²⁵ Al Kafi – V 7 – The Book of Bequests Ch 32 H 2

²⁶ Al Kafi – V 7 – The Book of Bequests Ch 32 H 3

²⁷ Al Kafi – V 7 – The Book of Bequests Ch 33 H 1

مُحَمَّدٌ قَالَ كَتَبَ مُحَمَّدُ بْنُ الْحَسَنِ إِلَى أَبِي مُحَمَّدٍ (عَلَيْهِ السَّلَامُ) رَجُلٌ أَوْصَى إِلَى وُلْدِهِ وَ فِيهِمْ كِبَارٌ قَدْ أَدْرَكُوا وَ فِيهِمْ صِبَاغٌ أَيْ جُوزٌ لِلْكِبَارِ أَنْ يُنْفِذُوا وَصِيَّتَهُ وَ يُقْضُوا دَيْنَهُ لِمَنْ صَحَّ عَلَى الْمَيِّتِ بِشُهُودِ عُدُولٍ قَبْلَ أَنْ يُدْرِكَ الْأَوْصِيَاءُ الصِّغَارُ فَوَقَّعَ (عَلَيْهِ السَّلَامُ) نَعْمَ عَلَى الْأَكْبَرِ مِنَ الْوُلْدَانِ أَنْ يُقْضُوا دَيْنَ أَبِيهِمْ وَ لَا يُحْبَسُوهُ بِذَلِكَ .

Muhammad said,

'Muhammad Bin Al-Hassan wrote to Abu Muhammad^{asws}, 'A man bequeathed to his children, and among them were adults who had attained puberty, and among them were young ones. Is it allowed for the adults that they can enforce his bequest, and pay-off his debts for the one who is correct upon the deceased with just witnesses before the young ones mature?' So he^{asws} signed: 'Yes. It is upon the adults from the children that they pay-off debts, and not let him be imprisoned by that (debts)'.²⁸

بَابُ مَنْ أَوْصَى إِلَى اثْنَيْنِ فَيُنْفَرُ كُلُّ وَاحِدٍ مِنْهُمَا بِبَعْضِ التَّرَكَةِ

Chapter 34 – The one who bequeaths to two (as executors), so each one deals with a different part of the legacy

مُحَمَّدُ بْنُ يَحْيَى قَالَ كَتَبَ مُحَمَّدُ بْنُ الْحَسَنِ إِلَى أَبِي مُحَمَّدٍ (عَلَيْهِ السَّلَامُ) رَجُلٌ مَاتَ وَ أَوْصَى إِلَى رَجُلَيْنِ أَيْ جُوزٌ لِأَحَدِهِمَا أَنْ يُنْفَرَدَ بِنِصْفِ التَّرَكَةِ وَ الْآخَرَ بِالنِّصْفِ فَوَقَّعَ (عَلَيْهِ السَّلَامُ) لَا يُنْبَغِي لَهُمَا أَنْ يُخَالِفَا الْمَيِّتَ وَ أَنْ يَعْمَلَا عَلَى حَسَبِ مَا أَمَرَهُمَا إِنْ شَاءَ اللَّهُ .

Muhammad Bin Yahya said,

'Muhammad Bin Al-Hassan wrote to Abu Muhammad^{asws}, 'A man died and bequeathed to two men (to be executors), is it allowed for one of them that he deals separately with half the legacy, and the other with the (other) half?' So he^{asws} signed: 'It is not befitting for both of them that they oppose the deceased, and that they should both act upon the accounting whatever he had ordered both of them, Allah^{azwj} Willing'.²⁹

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَسَنِ عَنْ أَخُوَيْهِ مُحَمَّدٍ وَ أَحْمَدَ عَنْ أَبِيهِمَا عَنْ دَاوُدَ بْنِ أَبِي يَزِيدَ عَنْ بُرَيْدِ بْنِ مُعَاوِيَةَ قَالَ إِنَّ رَجُلًا مَاتَ وَ أَوْصَى إِلَيَّ وَ إِلَى آخَرَ أَوْ إِلَى رَجُلَيْنِ فَقَالَ أَحَدُهُمَا خُذْ نِصْفَ مَا تَرَكَ وَ أُعْطِنِي النِّصْفَ مِمَّا تَرَكَ فَأَبَى عَلَيَّ الْآخَرُ فَسَأَلُوا أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ ذَلِكَ فَقَالَ ذَلِكَ لَهُ .

Ahmad Bin Muhammad, from Ali Bin Al Hassan, from both his brothers Muhammad and Ahmad, from the father of them both, from Dawood Bin Abu Yazeed, from Bureyd Bin Muawiya who said,

'A man died and bequeathed to me and to another, or two men (to be executors). So one of the two said, 'You take half of what has been left (legacy) and give me the (other) half from what has been left (legacy). So the other one refused him. So Abu Abdullah^{asws} was asked about that, so he^{asws} said: 'That is for him (that he should refuse to take the half but they both should act as per the original bequest)'.³⁰

بَابُ صَدَقَاتِ النَّبِيِّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) وَ فَاطِمَةَ وَ الْأَيْمَةَ (عَلَيْهِمُ السَّلَامُ) وَ وَصَايَاهُمْ

²⁸ Al Kafi – V 7 – The Book of Bequests Ch 33 H 2

²⁹ Al Kafi – V 7 – The Book of Bequests Ch 34 H 1

³⁰ Al Kafi – V 7 – The Book of Bequests Ch 34 H 2

Chapter 35 – The charities of the Prophet^{saww}, and Fatima^{asws}, and the Imams^{asws}, and their^{asws} bequests

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ أَبِي الْحَسَنِ الثَّانِي (عليه السلام) قَالَ سَأَلْتُهُ عَنِ الْحَبِطَانِ السَّبْعَةِ الَّتِي كَانَتْ مِيرَاثَ رَسُولِ اللَّهِ (صلى الله عليه وآله) لِفَاطِمَةَ (عليها السلام) فَقَالَ لَا إِنَّمَا كَانَتْ وَقْفًا وَكَانَ رَسُولُ اللَّهِ (صلى الله عليه وآله) يَأْخُذُ إِلَيْهِ مِنْهَا مَا يُنْفِقُ عَلَى أَضْيَافِهِ وَ النَّابِعَةَ يَلْزِمُهُ فِيهَا فَلَمَّا قُبِضَ جَاءَ الْعَبَّاسُ يُخَاصِمُ فَاطِمَةَ (عليها السلام) فِيهَا فَشَهِدَ عَلِيُّ (عليه السلام) وَ غَيْرُهُ أَنَّهَا وَقْفٌ عَلَى فَاطِمَةَ ع وَ هِيَ الدَّلَالُ وَ الْعَوَافُ وَ الْحُسْنَى وَ الصَّافِيَةُ وَ مَا لِأُمِّ إِبْرَاهِيمَ وَ الْمَيْتَبُ وَ الْبُرْقَةُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad,

(It has been narrated) from Abu Al-Hassan^{asws} the 2nd, said, 'I asked him^{asws} about the seven walls (walled gardens) which were a legacy of Rasool-Allah^{saww} for Fatima^{asws}. So he^{asws} said, 'No, but rather these were dedicated (Waqf), and Rasool-Allah^{saww} used to take from these whatever expenses there were upon for his^{saww} guests, and the necessary maintenance of these. So when he^{saww} passed away, Al-Abbas came over disputing with Fatima^{asws} with regards to it. So Ali^{asws} and others testified that these are dedicated (Waqf) over Fatima^{asws}, and these were – Al-Dallalo, and Al-Awaaf, and al-Husna, and Al-Safiya, and what was for mother of Ibrahim^{as}, and Al-Maysab, and Al Burqa'.³¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عُثْمَانَ عَنْ عُبَيْدِ اللَّهِ الْخَلْبِيِّ وَ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ سَأَلْتَاهُ عَنْ صَدَقَةِ رَسُولِ اللَّهِ (صلى الله عليه وآله) وَ صَدَقَةِ فَاطِمَةَ (عليها السلام) قَالَ صَدَقْتُهُمَا لِبَنِي هَاشِمٍ وَ بَنِي الْمُطَّلِبِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad Bin usman, from Ubeydullah Al Halby and Muhammad Bin Muslim,

(It has been narrated) from Abu Abdullah^{asws}, both of them said, 'We asked him^{asws} about charity of Rasool-Allah^{saww}, and charity of Fatima^{asws}. He^{asws} said: 'Both their^{asws} charities were for the Clan of Hashim^{as}, and for the Clan of Al-Muttalib^{as}'.³²

وَ عَنْهُ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ إِبْرَاهِيمَ بْنِ أَبِي يَحْيَى الْمَدِينِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ الْمَيْتَبُ هُوَ الَّذِي كَاتَبَ عَلَيْهِ سَلْمَانَ فَأَقَاءَهُ اللَّهُ عَزَّ وَ جَلَّ عَلَى رَسُولِ اللَّهِ (صلى الله عليه وآله) فَهُوَ فِي صَدَقَتِهَا .

And from him, from his father, form Ibn Abu Najran, from Aasim Bin Hameed, from Ibrahim Bin Abu Yahya Al Madayni,

(It has been narrated) from Abu Abdullah^{asws} having said: '(The garden of) Al-Maysab was that upon which Salman^{as} had been contracted for. So Allah^{azwj} Mighty and Majestic Bestowed it upon Rasool-Allah^{saww}, thus it was in her^{asws} charities'.³³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ فَضَّالٍ عَنْ أَحْمَدَ بْنِ عُمَرَ عَنْ أَبِيهِ عَنِ أَبِي مَرْيَمَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنْ صَدَقَةِ رَسُولِ اللَّهِ (صلى الله عليه وآله) وَ صَدَقَةِ عَلِيٍّ (عليه السلام) فَقَالَ هِيَ لَنَا حَلَالٌ وَ قَالَ إِنَّ فَاطِمَةَ (عليها السلام) جَعَلَتْ صَدَقَتَهَا لِبَنِي هَاشِمٍ وَ بَنِي الْمُطَّلِبِ .

³¹ Al Kafi – V 7 – The Book of Bequests Ch 35 H 1

³² Al Kafi – V 7 – The Book of Bequests Ch 35 H 2

³³ Al Kafi – V 7 – The Book of Bequests Ch 35 H 3

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazal, from Ahmad Bin Umar, from his father, from Abu Maryam who said,

'I asked Abu Abdullah^{asws} about charity of Rasool-Allah^{saww}, and charity of Ali^{asws}. So he^{asws} said: 'It is Permissible for us^{asws}'. And he^{asws} said: 'Fatima^{asws} made her^{asws} charity to be for the Clan of Hashim^{as} and the Clan of Muttalib^{as},³⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ أَبِي بَصِيرٍ قَالَ قَالَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَامُ) أَلَا أَفْرَنْتُكَ وَصِيَّةَ فَاطِمَةَ (عَلَيْهَا السَّلَامُ) قَالَ قُلْتُ بَلَى قَالَ فَأَخْرَجَ حُقًّا أَوْ سَفَطًا فَأَخْرَجَ مِنْهُ كِتَابًا فَقَرَأَهُ بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ هَذَا مَا أَوْصَتْ بِهِ فَاطِمَةُ بِنْتُ مُحَمَّدٍ رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) أَوْصَتْ بِحَوَائِطِهَا السَّبْعَةِ الْعَوَافِ وَالذَّلَالِ وَالْبُرْقَةِ وَالْمَيْثِبِ وَالْحُسْنَى وَالصَّافِيَةَ وَمَا لِأُمِّ إِبْرَاهِيمَ إِلَى عَلِيِّ بْنِ أَبِي طَالِبٍ (عَلَيْهِ السَّلَامُ) فَإِنْ مَضَى عَلِيٌّ فَآلِي الْحَسَنِ فَإِنْ مَضَى الْحَسَنُ فَآلِي الْحُسَيْنِ فَإِنْ مَضَى الْحُسَيْنُ فَآلِي الْأَكْبَرِ مِنْ وُلْدِي

Ali Bin Ibrahim, from his father, from Ibn Abu Majran, from Aasim Bin Hameed, from Abu Baseer who said,

'Abu Ja'far^{asws} said: 'Shall I^{asws} read out to you the bequest of Fatima^{asws}?' I said, 'Yes'. So he^{asws} brought out a box or a basket, and extracted a letter from it. So he^{asws} read: 'In the Name of Allah^{azwj} the Beneficent, the Merciful. This is what has been bequeathed by Fatima^{asws} daughter of Muhammad^{saww}, Rasool-Allah^{saww}. I^{asws} hereby bequeath these seven walls (walled gardens) – Al-Dallal, and Al-Barqa, and Al-Maysab, and Al-Husna, and Al-Safiya, and what was for mother of Ibrahim^{as}, to Ali^{asws} Bin Abu Talib^{asws}. So if he^{asws} was to pass away, so to Al-Hassan^{asws}. So if Al-Hassan^{asws} was to pass away, so to Al-Husayn^{asws}. So if Al-Husayn^{asws} was to pass away, so to the elder from my^{asws} children'.

شَهِدَ اللَّهُ عَلَى ذَلِكَ وَ الْمِقْدَادُ بْنُ الْأَسْوَدِ وَ الزُّبَيْرُ بْنُ الْعَوَامِ وَ كَتَبَ عَلِيُّ بْنُ أَبِي طَالِبٍ .

Allah^{azwj} was a Witness upon that, and Al-Miqdad Bin Al-Aswad, and Al-Zubeyr Bin Al-Awwam; and it was written by Ali^{asws} Bin Abu Talib^{asws}.

وَ عَنْهُ عَنِ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَاصِمِ بْنِ حُمَيْدٍ مِثْلَهُ وَ لَمْ يَذْكُرْ حُقًّا وَ لَا سَفَطًا وَ قَالَ إِلَى الْأَكْبَرِ مِنْ وُلْدِي دُونَ وُلْدِكَ .

And from him, from his father, from Ibn Abu Umeyr, from Aasim Bin Hameed, similar to it, but did not mention a box or a basket, and she^{asws} said: 'To the eldest of my^{asws} children besides your^{asws} children'.³⁵

وَ عَنْهُ عَنِ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عُثْمَانَ عَنْ أَبِي بَصِيرٍ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَلَا أَفْرَنْتُكَ وَصِيَّةَ فَاطِمَةَ (عَلَيْهَا السَّلَامُ) قُلْتُ بَلَى قَالَ فَأَخْرَجَ إِلَيَّ صَحِيفَةً هَذَا مَا عَهَدَتْ فَاطِمَةُ بِنْتُ مُحَمَّدٍ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فِي مَالِهَا إِلَى عَلِيِّ بْنِ أَبِي طَالِبٍ (عَلَيْهِ السَّلَامُ) وَ إِنْ مَاتَ فَآلِي الْحَسَنِ وَ إِنْ مَاتَ فَآلِي الْحُسَيْنِ فَإِنْ مَاتَ الْحُسَيْنُ فَآلِي الْأَكْبَرِ مِنْ وُلْدِي دُونَ وُلْدِكَ الذَّلَالِ وَالْعَوَافِ وَالْمَيْثِبِ وَ بُرْقَةُ وَ الْحُسْنَى وَ الصَّافِيَةُ وَ مَا لِأُمِّ إِبْرَاهِيمَ شَهِدَ اللَّهُ عَزَّ وَ جَلَّ عَلَى ذَلِكَ وَ الْمِقْدَادُ بْنُ الْأَسْوَدِ وَ الزُّبَيْرُ بْنُ الْعَوَامِ .

And from him, from his father, from Ibn Abu Umeyr, from Hammaad Bin Usman, from Abu Baseer who said,

³⁴ Al Kafi – V 7 – The Book of Bequests Ch 35 H 4

³⁵ Al Kafi – V 7 – The Book of Bequests Ch 35 H 5

'Abu Abdullah^{asws} said: 'Shall I^{asws} read out to you the bequest of Syeda Fatima^{asws}? I said, 'Yes'. So he^{asws} brought out a parchment to me, (and said): 'This is what was assigned by Fatima^{asws}, daughter^{asws} of Muhammad^{saww}, Rasool-Allah^{saww}, with regards to her^{asws} wealth, to Ali^{asws} Bin Abu Talib^{asws}, and if he^{asws} passes away, so to Al-Hassan^{asws}; and if he^{asws} passes away, so to Al-Husayn^{asws}; and if Al-Husayn^{asws} passes away, so to the eldest from my^{asws} children besides your^{asws} children – (The walled gardens of) Al-Dallalo, and Al-Awaaf, and Al-Maysab, and Burqa, and Al-Husna, and Al-Safiya, and what was for mother of Ibrahim^{as}. Allah^{azwj} is Witness upon that, and A- Miqdad Bin Al-Aswad, and Al-Zubeyr Bin Al-Awaam'.³⁶

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَادَانَ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ قَالَ بَعَثَ إِلَيَّ أَبُو الْحَسَنِ مُوسَى (عَلَيْهِ السَّلَام) بِوَصِيَّةِ أَمِيرِ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) وَ هِيَ

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar and Muhammad Bin Ismail, from Al Fazl Bin Shazaan, from Safwan Bin Yahya, from Abdul Rahman Bin Al Hajjaj who said,

'Abu Al-Hassan Musa^{asws} sent to me the bequest of Amir Al-Momineen^{asws} and it is: -

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ هَذَا مَا أَوْصَى بِهِ وَ قَضَى بِهِ فِي مَالِهِ عَبْدُ اللَّهِ عَلِيُّ ابْنِعَاءَ وَجْهِ اللَّهِ لِيُؤَلِّجَنِي بِهِ الْجَنَّةَ وَ يَصْرِفَنِي بِهِ عَنِ النَّارِ وَ يَصْرِفَ النَّارَ عَنِّي يَوْمَ تَبْيِضُ وُجُوهُ وَ تَسْوَدُ وُجُوهُ

In the Name of Allah^{azwj} the Beneficent, the Merciful. This is what is being bequeathed by and decided upon by, with regards to his wealth, a servant of Allah^{azwj}, Ali^{asws}, seeking the Face of Allah^{azwj} so that He^{azwj} would Enter me^{asws}, by it, in the Paradise, and by it Keep me^{asws} away from the Fire, and Keep away the Fire from me^{asws} on the Day in which faces would be whitened and faces would be blackened.

أَنَّ مَا كَانَ لِي مِنْ مَالٍ بِنَبْعٍ يُعْرِفُ لِي فِيهَا وَ مَا حَوْلَهَا صَدَقَةٌ وَ رَقِيقَهَا غَيْرَ أَنْ رَبَاحاً وَ أَبَا نَيْزَرَ وَ جُبَيْراً عُنُقَاءَ لَيْسَ لِأَحَدٍ عَلَيْهِمْ سَبِيلٌ فَهُمْ مَوَالِيٌّ يَعْمَلُونَ فِي الْمَالِ حَمْسَ حَجَجٍ وَ فِيهِ نَفَقَتُهُمْ وَ رِزْقُهُمْ وَ أَرْزَاقُ أَهْلِيهِمْ

What was for me^{asws} from the wealth at Yanba'a and what is around it, recognised for me^{asws} therein, is a charity, along with its slaves, apart from Rabaha, and Abu Nayzar, and Jubeyra, who are emancipated, and there is no way for anyone over them, so they are in my^{asws} Wilayah, who would be working in the property for five Hajj (years). In it is their expenses and their livelihood, and the livelihoods of their families.

وَ مَعَ ذَلِكَ مَا كَانَ لِي بِوَادِي الْقُرَى كُلُّهُ مِنْ مَالٍ لِبَنِي فَاطِمَةَ وَ رَقِيقَهَا صَدَقَةٌ وَ مَا كَانَ لِي بِدَيْمَةَ وَ أَهْلِهَا صَدَقَةٌ غَيْرَ أَنْ زُرَيْقاً لَهُ مِثْلُ مَا كَتَبْتُ لِأَصْحَابِهِ وَ مَا كَانَ لِي بِأَدْيَنَةَ وَ أَهْلِهَا صَدَقَةٌ وَ الْفُقَيْرِينَ كَمَا قَدْ عَلِمْتُمْ صَدَقَةٌ فِي سَبِيلِ اللَّهِ

And along with that, what was for me^{asws} at the valley of Al-Qura, all of it from the wealth, is for the children of Syeda Fatima^{asws}, and its slaves are a charity. And what was for me at Badeyima and its people are charity apart from Zureyqa. For him is the like of what I^{asws} have written for his companions. And what was for me^{asws} at Azeyna and its people is a charity, and the impoverished, as you know, are a charity in the Way of Allah^{azwj}.

³⁶ Al Kafi – V 7 – The Book of Bequests Ch 35 H 6

وَ إِنَّ الَّذِي كَتَبْتُ مِنْ أَمْوَالِي هَذِهِ صَدَقَةٌ وَاجِبَةٌ بِنَلَّةٍ حَيًّا أَنَا أَوْ مَيِّتًا يُنْفَقُ فِي كُلِّ نَفَقَةٍ يُبْتَعَى بِهَا وَجْهَ اللَّهِ فِي سَبِيلِ اللَّهِ وَ وَجْهَهُ وَ ذَوِي الرَّحِمِ مِنْ بَنِي هَاشِمٍ وَ بَنِي الْمُطَّلِبِ وَ الْقَرِيبِ وَ الْبَعِيدِ فَإِنَّهُ يَقُومُ عَلَيَّ ذَلِكَ الْحَسَنُ بِنُ عَلِيٍّ يَأْكُلُ مِنْهُ بِالْمَعْرُوفِ وَ يُنْفِقُهُ حَيْثُ يَرَاهُ اللَّهُ عَزَّ وَ جَلَّ فِي حِلٍّ مُحَلَّلٍ لَا حَرَجَ عَلَيْهِ فِيهِ فَإِنْ أَرَادَ أَنْ يَبِيعَ نَصِيبًا مِنَ الْمَالِ فَيُقْضَى بِهِ الدَّيْنَ فَلْيَفْعَلْ إِنْ شَاءَ وَ لَا حَرَجَ عَلَيْهِ فِيهِ وَ إِنْ شَاءَ جَعَلَهُ سِرِّي الْمَلِكِ

And that which I^{asws} write, from this wealth of mine, is an Obligation whether I^{asws} live or pass away. These should be spent in all its spending, seeking by it the Face of Allah^{azwj}, in the Way of Allah^{azwj} and His^{azwj} Face, and the ones with the relationships from the Clan of Hashim^{as}, and the Clan of Muttalib^{as}, and the near ones and the far ones. So it would be Al-Hassan^{asws} Bin Ali^{asws} who would be supervising, consuming from it with the goodness, and spending it wherever he^{asws} sees (the Pleasure of) Allah^{azwj} Mighty and Majestic in a Permissible (manner), nothing wrong being upon him^{asws} in it. So if he^{asws} intends to sell a share from the wealth, so he^{asws} can pay off the debts by it, so let him^{asws} do it if he^{asws} so desires to, and there is nothing wrong upon him^{asws} in it. And if he^{asws} so desires, he^{asws} can make it a series of properties.

وَ إِنَّ وُلْدَ عَلِيٍّ وَ مَوَالِيَهُمْ وَ أَمْوَالَهُمْ إِلَى الْحَسَنِ بْنِ عَلِيٍّ وَ إِنْ كَانَتْ دَارُ الْحَسَنِ بْنِ عَلِيٍّ غَيْرَ دَارِ الصَّدَقَةِ فَبِذَا لَهُ أَنْ يَبِيعَهَا فَلْيَبِيعْ إِنْ شَاءَ لَا حَرَجَ عَلَيْهِ فِيهِ وَ إِنْ بَاعَ فَإِنَّهُ يُقَسِّمُ ثَمَنَهَا ثَلَاثَةً ثَلَاثًا فَيَجْعَلُ ثَلَاثًا فِي سَبِيلِ اللَّهِ وَ ثَلَاثًا فِي بَنِي هَاشِمٍ وَ بَنِي الْمُطَّلِبِ وَ يَجْعَلُ الثَّلَاثَ فِي آلِ أَبِي طَالِبٍ وَ إِنَّهُ يَصْعَعُهُ فِيهِمْ حَيْثُ يَرَاهُ اللَّهُ

And that the children of Ali^{asws} and their slaves and their wealth are to (under the supervision of) Al-Hassan^{asws} Bin Ali^{asws}. And if the house of Al-Hassan^{asws} Bin Ali^{asws} is other than the house of charity, and it is inevitable for him^{asws} that he^{asws} should sell it, so let him^{asws} sell if he^{asws} so desires to, there is nothing wrong upon him^{asws} in it. And if he^{asws} sells, so he^{asws} should divided its price in three thirds. So he^{asws} should make a third of it to be in the Way of Allah^{azwj}, and a third to be among the Clan of Hashim^{saww} and the Clan of Al-Muttalib, and he^{asws} should make a third to be among the progeny of Abu Talib^{as}, and he^{asws} can place among them wherever he^{asws} sees (the Pleasure of) Allah^{azwj}.

وَ إِنْ حَدَّثَ بِحَسَنٍ حَدَّثٌ وَ حُسَيْنٍ حَيٌّ فَإِنَّهُ إِلَى الْحُسَيْنِ بْنِ عَلِيٍّ وَ إِنْ حُسَيْنًا يَفْعَلُ فِيهِ مِثْلَ الَّذِي أَمَرْتُ بِهِ حَسَنًا لَهُ مِثْلَ الَّذِي كَتَبْتُ لِلْحَسَنِ وَ عَلَيْهِ مِثْلَ الَّذِي عَلَى الْحَسَنِ

And if there befalls with Hassan^{asws} a befalling (passing away), and Husayn^{asws} is alive, so it is (transferred) to Al-Husayn^{asws} Bin Ali^{asws}, and that Husayn^{asws} should do with it similar to that which I^{asws} have ordered Hassan^{asws} with. For him^{asws} would be the like of that which I^{asws} wrote for Al-Hassan^{asws}, and upon him^{asws} is the like of that which was upon Al-Hassan^{asws}.

وَ إِنْ لَبِنِي [إِنِّي] فَاطِمَةَ مِنْ صَدَقَةِ عَلِيٍّ مِثْلَ الَّذِي لَبِنِي عَلِيٍّ وَ إِنِّي إِنَّمَا جَعَلْتُ الَّذِي جَعَلْتُ لِإِنِّي فَاطِمَةَ ابْنَتَهُ وَ جِهُ اللَّهِ عَزَّ وَ جَلَّ وَ تَكْرِيمَ حُرْمَةِ رَسُولِ اللَّهِ (صلى الله عليه وآله) وَ تَعْظِيمَهُمَا وَ تَشْرِيفَهُمَا وَ رِضَاهُمَا

And for the children (my^{asws} children) of Fatima^{asws}, is from charity of Ali^{asws}, the like of that which is for the children of Ali^{asws}, and I^{asws}, but rather I^{asws} have made that which I^{asws} have made for the children of Fatima^{asws}, for seeking the Face of Allah^{azwj} Mighty and Majestic, and in respect of the sanctity of Rasool-Allah^{saww}, and in reverence of both, and in honour of them both, and pleasure of them both.

وَ إِنْ حَدَّثَ بِحَسَنٍ وَ حُسَيْنٍ حَدَّثٌ فَإِنَّ الْأَخْرَ مِنْهُمَا يَنْظُرُ فِي بَنِي عَلِيٍّ فَإِنْ وَجَدَ فِيهِمْ مَنْ يَرْضَى بِهِدَاهُ وَ إِسْلَامِهِ وَ أَمَانَتِهِ فَإِنَّهُ يَجْعَلُهُ إِلَيْهِ إِنْ شَاءَ وَ إِنْ لَمْ يَرَ فِيهِمْ بَعْضَ الَّذِي يُرِيدُهُ فَإِنَّهُ يَجْعَلُهُ إِلَى رَجُلٍ مِنْ آلِ أَبِي طَالِبٍ يَرْضَى بِهِ فَإِنْ وَجَدَ آلَ

أَبِي طَالِبٍ قَدْ ذَهَبَ كِبْرًاؤُهُمْ وَ دَوُّو أَرَائِهِمْ فَإِنَّهُ يَجْعَلُهُ إِلَى رَجُلٍ يَرْضَاهُ مِنْ بَنِي هَاشِمٍ وَ إِنَّهُ يَشْتَرِطُ عَلَى الَّذِي يَجْعَلُهُ إِلَيْهِ أَنْ يَنْتَرِكَ الْمَالَ عَلَى أَصُولِهِ وَ يُنْفِقَ ثَمَرَهُ حَيْثُ أَمَرْتُهُ بِهِ مِنْ سَبِيلِ اللَّهِ وَ وَجْهِهِ وَ ذَوِي الرَّحِمِ مِنْ بَنِي هَاشِمٍ وَ بَنِي الْمُطَّلِبِ وَ الْقَرِيبِ وَ الْبَعِيدِ لَا يُبَاغِ مِنْهُ شَيْءٌ وَ لَا يُوهَبُ وَ لَا يُورَثُ وَ إِنْ مَالَ مُحَمَّدٍ بْنِ عَلِيٍّ عَلَى نَاحِيَّتِهِ وَ هُوَ إِلَى ابْنِي فَاطِمَةَ وَ إِنْ رَقِيقِي الَّذِينَ فِي صَحِيفَةٍ صَغِيرَةٍ الَّتِي كَتَبْتُ لِي عَتَقَاءُ

And if there befalls with Hassan^{asws} and Husayn^{asws}, a befalling (passing away), for the last of the two^{asws} should look among the children of Ali^{asws}. So if he^{asws} were to find among them one whom he^{asws} is pleased with his guidance, and his Islam, and his trustworthiness, so he^{asws} should make it to him, if he^{asws} so desires. And if he^{asws} does not see among them one whom he^{asws} wants, so he^{asws} should make it to a man from the progeny of Abu Talib^{as}, being pleased with him.

So if he^{asws} finds that the progeny of Abu Talib^{as} has gone, their elders and their ones with insight, so he^{asws} should make it to a man whom he^{asws} is pleased with from the Clan of Hashim^{as}, and it would be condition upon that which he^{asws} makes it to him, that he would leave the wealth (legacy) upon its origins, and spend its fruits wherever I^{asws} had ordered with, from the Way of Allah^{azwj}, and His^{azwj} Face, and near relations from the Clan of Hashim^{as}, and Clan of Al-Muttalib^{as}, and the relatives, and the far ones, not selling anything from it, nor gifting it, nor give it in inheritance; and that the wealth of Muhammad^{saww} and Ali^{asws} is upon its area, and it is to the two sons^{asws} of Fatima^{asws}. And that my^{asws} slaves who are (mentioned) in a small parchment which has been written for me^{asws}, are free'.

هَذَا مَا قَضَى بِهِ عَلِيُّ بْنُ أَبِي طَالِبٍ فِي أَمْوَالِهِ هَذِهِ الْعَدَّ مِنْ يَوْمٍ قَدِمَ مَسْكَنَ ابْتِعَاءَ وَجْهِ اللَّهِ وَ الدَّارِ الْآخِرَةِ وَ اللَّهُ الْمُسْتَعَانُ عَلَى كُلِّ حَالٍ وَ لَا يَجِلُّ لِأَمْرٍ مُسْلِمٍ يُؤْمِنُ بِاللَّهِ وَ الْيَوْمِ الْآخِرِ أَنْ يَقُولَ فِي شَيْءٍ قَضَيْتُهُ مِنْ مَالِي وَ لَا يُخَالِفَ فِيهِ أَمْرِي مِنْ قَرِيبٍ أَوْ بَعِيدٍ

This is what has been judged with by Ali^{asws} Bin Abu Talib^{asws} with regards to his^{asws} wealth, on this morning from the day he set foot at Maskan, seeking the Face of Allah^{azwj} and the House of the Hereafter. And Allah^{azwj} is the Supporter upon every situation, and there is not for a Muslim person who believes in Allah^{azwj} and the Last Day that he should be saying with something which I^{asws} have decided from my^{asws} wealth, nor oppose my^{asws} orders with regards to it, be they from the near ones or far ones.

أَمَّا بَعْدُ فَإِنَّ وَلَائِدِي اللَّائِي أَطُوفُ عَلَيْهِنَّ السَّبْعَةَ عَشَرَ مِنْهُنَّ أُمَّهَاتٌ أَوْلَادٌ مَعَهُنَّ أَوْلَادُهُنَّ وَ مِنْهُنَّ حَبَالِي وَ مِنْهُنَّ مَنْ لَا وَلَدَ لَهُ فَقَضَايَ فِيهِنَّ إِنْ حَدَّثَتْ بِي حَدَّثَتْ أَنَّهُ مَنْ كَانَ مِنْهُنَّ لَيْسَ لَهَا وَلَدٌ وَ لَيْسَتْ بِحَبْلِي فَهِيَ عَتِيقٌ لَوَجْهِ اللَّهِ عَزَّ وَ جَلَّ لَيْسَ لِأَحَدٍ عَلَيْهِنَّ سَبِيلٌ وَ مَنْ كَانَ مِنْهُنَّ لَهَا وَلَدٌ أَوْ حَبْلِي فَتُمْسِكُ عَلَى وَلَدِهَا وَ هِيَ مِنْ حَظِّهِ فَإِنْ مَاتَ وَلَدُهَا وَ هِيَ حَيَّةٌ فَهِيَ عَتِيقٌ لَيْسَ لِأَحَدٍ عَلَيْهَا سَبِيلٌ

Thereafter, so if the women (wives) around whom I^{asws} circle, are seventeen of them. From them have children with them, their children, and from them are pregnant, and from them are one who have no children. So my^{asws} judgement with regards to them is that if there befalls with me^{asws} a befalling (passing away), the one from them who does not have a child for her, and is not with a pregnancy, so she is free for the Sake of Allah^{azwj} Mighty and Majestic. There is no way for anyone upon them. And the one from them who had a child for her, or is pregnant, so she should wait upon her child, and she is from a share. So when her child dies and she is alive, so she is free. There is no way upon her for anyone.

هَذَا مَا قَضَى بِهِ عَلِيٌّ فِي مَالِهِ الْغَدَّ مِنْ يَوْمٍ قَدِمَ مَسْكَنَ شَهْدَ أَبُو شِمْرٍ بِنُ أَبِي رَهْمَةَ وَ صَعَصَعَةُ بِنُ صُوحَانَ وَ يَزِيدُ بِنُ قَيْسٍ وَ هَيَّاجُ بِنُ أَبِي هَيَّاجِ

This is what Ali^{asws} has judged with regarding his^{asws} wealth, the morning of the day he^{asws} set foot at Maskan, witnessed by Abu Shimir Bin Abraha, and Sa'sa Bin Sowhan, and Yazeed Bin Qays, and Hayyaj Bin Aby Hayyaj'.

وَ كَتَبَ عَلِيٌّ بِنُ أَبِي طَالِبٍ بِيَدِهِ لِعَشْرِ خَلْوَى مِنْ جُمَادَى الْأُولَى سَنَةَ سَبْعٍ وَ ثَلَاثِينَ وَ كَانَتْ الْوَصِيَّةُ الْأُخْرَى مَعَ الْأُولَى

And Ali^{asws} Bin Abu Talib^{asws} wrote by his^{asws} own hand, on the 11th of Jamadi Al-Awwal, the year 37 (Hijra), and it was another bequest, along with the first (a codicil).

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ هَذَا مَا أَوْصَى بِهِ عَلِيٌّ بِنُ أَبِي طَالِبٍ أَوْصَى أَنَّهُ يَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ وَ أَنَّ مُحَمَّدًا عَبْدُهُ وَ رَسُولُهُ أَرْسَلَهُ بِالْهُدَى وَ دِينِ الْحَقِّ لِيُظْهِرَهُ عَلَى الدِّينِ كُلِّهِ وَ لَوْ كَرِهَ الْمُشْرِكُونَ صَلَّى اللَّهُ عَلَيْهِ وَ آلِهِ ثُمَّ إِنَّ صَلَاتِي وَ نُسُكِي وَ مَحْيَايَ وَ مَمَاتِي لِلَّهِ رَبِّ الْعَالَمِينَ لَا شَرِيكَ لَهُ وَ بِذَلِكَ أُمِرْتُ وَ أَنَا مِنَ الْمُسْلِمِينَ

In the Name of Allah^{azwj} the Beneficent, the Merciful. This is what is bequeathed by Ali^{asws} Bin Abu Talib^{asws}, bequeathing that he^{asws} testifies that there is no god except for Allah^{azwj}, One, not having an associated for Him^{azwj}, and that Muhammad^{saww} is His^{azwj} servant and His^{azwj} Rasool^{saww}, [9:33] **Sent His Rasool with the Guidance and the Religion of the Truth, in order to prevail it over all Religions, even though the Polytheists may be averse to it.** Blessing be upon him^{saww} and his^{saww} Progeny^{asws}. Then, [6:162] **Surely my Prayer and my sacrifice and my life and my death are (all) for Allah, the Lord of the worlds**, there being no associates for Him^{azwj}. And with that, I^{asws} decree, and I^{asws} am from the Muslims.

ثُمَّ إِنِّي أَوْصِيكَ يَا حَسَنُ وَ جَمِيعَ أَهْلِ بَيْتِي وَ وُلْدِي وَ مَنْ بَلَغَهُ كِتَابِي بِتَقْوَى اللَّهِ رَبِّكُمْ وَ لَا تَمُوتَنَّ إِلَّا وَ أَنْتُمْ مُسْلِمُونَ وَ اعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعاً وَ لَا تَفَرَّقُوا فإِنِّي سَمِعْتُ رَسُولَ اللَّهِ (صلى الله عليه وآله) يَقُولُ صَلَاحُ ذَاتِ الْبَيْنِ أَفْضَلُ مِنْ عَامَّةِ الصَّلَاةِ وَ الصِّيَامِ وَ أَنَّ الْمُبِيرَةَ الْحَالِقَةَ لِلدِّينِ فَسَادَ ذَاتِ الْبَيْنِ وَ لَا قُوَّةَ إِلَّا بِاللَّهِ الْعَلِيِّ الْعَظِيمِ انظُرُوا دَوِي أَرْحَامِكُمْ فَصَلُّوهُمْ يَهْوَنَ اللَّهُ عَلَيْكُمْ الْحِسَابَ

Then, I^{asws} hereby bequeath to you^{asws}, O Hassan^{asws}, and the entirety of the people of my^{asws} household, and my^{asws} children, and to the one to whom reaches my^{asws} letter, to fear Allah^{azwj}, your Lord^{azwj} [3:102] **and do not die unless you are Muslims [3:103] And hold fast by the Rope of Allah all together and be not disunited**, for I^{asws} heard Rasool-Allah^{saww} saying: 'Reconciling between the two is superior than the generality of the Prayers and the Fasts, and that the denouncer is destructive for the Religion, (creating) discord between the two'; and there is no Strength except with Allah^{azwj}, the Exalted, the Magnificent. Look into your ones with relationships, so maintain relationships with them, Allah^{azwj} would Make the Reckoning easier upon you.

اللَّهُ اللَّهُ فِي الْأَيْتَامِ فَلَا تُغَيِّبُوا أَفْوَاهَهُمْ وَ لَا يَضِيعُوا بِحَضْرَتِكُمْ فَفَدَّ سَمِعْتُ رَسُولَ اللَّهِ (صلى الله عليه وآله) يَقُولُ مَنْ عَالَ يَتِيمًا حَتَّى يَسْتَعْنِيَ أَوْجَبَ اللَّهُ عَزَّ وَ جَلَّ لَهُ بِذَلِكَ الْجَنَّةَ كَمَا أَوْجَبَ لِأَكْلِ مَالِ الْيَتِيمِ النَّارَ

Allah^{azwj}! Allah^{azwj}! With regards to the orphans! So do not be absent-minded of their mouths (feeding them), and do not let them be wasted in your presence, for I^{asws} have heard Rasool-Allah^{saww} saying: 'The one who looks after an orphan until he is needless, Allah^{azwj} would Obligated upon him the Paradise, due to that, just as He^{azwj} Obligates the Fire upon the consumer of the wealth of the orphans.

اللَّهُ اللَّهُ فِي الْقُرْآنِ فَلَا يَسْبِقُكُمْ إِلَى الْعَمَلِ بِهِ أَحَدٌ غَيْرُكُمْ اللَّهُ اللَّهُ فِي جِيرَانِكُمْ فَإِنَّ النَّبِيَّ (صلى الله عليه وآله) أَوْصَى بِهِمْ وَ مَا زَالَ رَسُولُ اللَّهِ (صلى الله عليه وآله) يُوصي بهم حتى ظننا أنه سيورثهم اللَّهُ اللَّهُ فِي بَيْتِ رَبِّكُمْ فَلَا يَخْلُو مِنْكُمْ مَا بَقِيَتْمْ فَإِنَّهُ إِنْ تَرَكْتُمْ لَمْ تَنْظُرُوا وَ أَدْنَى مَا يَرْجِعُ بِهِ مَنْ أُمَّهُ أَنْ يُعْفَرَ لَهُ مَا سَلَفَ

Allah^{azwj}! Allah^{azwj}! With regards to the Quran! So do not let anyone from the other precede you to the acting by it. Allah^{azwj}! Allah^{azwj}, with regards to your neighbours, for the Prophet^{saww} bequeathed with them, and Rasool-Allah^{saww} did not cease to bequeath with them to the extent that we thought that he^{saww} would make them our inheritors. Allah^{azwj}! Allah^{azwj}! With regards to the House of your Lord^{azwj} (Kabah)! So do not let it be empty from you for as long as you remain, for if you were to neglect it, you would not see it, and the lowest of what (rewards) one comes back with from his own mother, that is he is Forgiven for him whatever is past.

اللَّهُ اللَّهُ فِي الصَّلَاةِ فَإِنَّهَا خَيْرُ الْعَمَلِ إِنَّهَا عَمُودُ دِينِكُمْ اللَّهُ اللَّهُ فِي الزَّكَاةِ فَإِنَّهَا تُطْفِئُ غَضَبَ رَبِّكُمْ اللَّهُ اللَّهُ فِي شَهْرِ رَمَضَانَ فَإِنَّ صِيَامَهُ جُنَّةٌ مِنَ النَّارِ اللَّهُ اللَّهُ فِي الْفُقَرَاءِ وَ الْمَسَاكِينِ فَشَارِكُوهُمْ فِي مَعَايِشِكُمْ

Allah^{azwj}! Allah^{azwj}! With regards to the Prayer, for it is the best of the deeds, and it is a pillar of your Religion. Allah^{azwj}! Allah^{azwj}! With regards to the Zakat, for it is an extinguisher of the Wrath of your Lord^{azwj}. Allah^{azwj}! Allah^{azwj}! With regards to the Month of Ramazan, of its Fasts are a shield from the Fire. Allah^{azwj}! Allah^{azwj}! With regards to the poor and the needy, so participate them in your livelihoods.

اللَّهُ اللَّهُ فِي الْجِهَادِ بِأَمْوَالِكُمْ وَ أَنْفُسِكُمْ وَ أَلْسِنَتِكُمْ فَإِنَّمَا يَجَاهِدُ رَجُلَانِ إِمَامٌ هُدَى أَوْ مُطِيعٌ لَهُ مُقْتَدٍ بِهِدَاهُ اللَّهُ اللَّهُ فِي ذُرِّيَّةِ نَبِيِّكُمْ فَلَا يُظَلَمَنَّ بِحَضْرَتِكُمْ وَ بَيْنَ ظَهْرَانِكُمْ وَ أَنْتُمْ تَقْدِرُونَ عَلَى الدَّفْعِ عَنْهُمْ اللَّهُ اللَّهُ فِي أَصْحَابِ نَبِيِّكُمْ الَّذِينَ لَمْ يُحَدِّثُوا حَدَثًا وَ لَمْ يُؤْوُوا مُحَدِّثًا فَإِنَّ رَسُولَ اللَّهِ (صلى الله عليه وآله) أَوْصَى بِهِمْ وَ لَعَنَ الْمُحَدِّثَ مِنْهُمْ وَ مِنْ غَيْرِهِمْ وَ الْمُؤْوِيَّ لِلْمُحَدِّثِ

Allah^{azwj}! Allah^{azwj}! With regards to the Jihad with your wealth and your selves, and your tongues. But rather two men perform Jihad, one who fights against an Imam^{asws} of Guidance, or the one who is obedient to him^{asws}, being guided by his^{asws} Guidance. Allah^{azwj}! Allah^{azwj}! With regards to the offspring of your Prophet^{saww}, so do not let them be oppressed in your presence or in your midst, and you have the ability to defend them. Allah^{azwj}! Allah^{azwj}! With regards to the companions of your Prophet^{saww} who did not innovate anything new, and did not harbour the innovators, for Rasool-Allah^{saww} bequeathed (donated) with them and cursed the innovator from them, and from the other, as well as the protector of the innovator.

اللَّهُ اللَّهُ فِي النِّسَاءِ وَ فِيمَا مَلَكَتْ أَيْمَانُكُمْ فَإِنَّ آخَرَ مَا تَكَلَّمُ بِهِ نَبِيُّكُمْ (عليه السلام) أَنْ قَالَ أَوْصَيْكُمْ بِالضَّعِيفِينَ النِّسَاءِ وَ مَا مَلَكَتْ أَيْمَانُكُمْ

Allah^{azwj}! Allah^{azwj}! With regards to the women, and with regards to what your right hand possess, for the last of what your Prophet^{saww} spoke with was that he^{saww} said: 'I^{saww} bequeath you with the two weak ones, the women and what is owned by your right hands (dependents).

الصَّلَاةُ الصَّلَاةُ الصَّلَاةُ لَا تَخَافُوا فِي اللَّهِ لَوْمَةً لَأَنَّمْ يَكْفِئُكُمْ اللَّهُ مِنْ آذَانِكُمْ وَ بَعَى عَلَيْكُمْ قُولُوا لِلنَّاسِ حُسْنًا كَمَا أَمَرَكُمْ اللَّهُ عَزَّ وَ جَلَّ وَ لَا تَتْرَكُوا الْأَمْرَ بِالْمَعْرُوفِ وَ النَّهْيَ عَنِ الْمُنْكَرِ فَيُولَى اللَّهُ أَمْرَكُمْ شِيرَارَكُمْ ثُمَّ تَدْعُونَ فَلَا يَسْتَجَابُ لَكُمْ عَلَيْهِمْ

The Prayer! The Prayer! The Prayer! Do not fear with regards to Allah^{azwj}, the accusation of an accuser. Allah^{azwj} would Suffice for you from their harming you, and their rebelling against you. Speak good to the people just as Allah^{azwj} Mighty and

Majestic has Commanded you, and do not neglect the enjoining of the good and the prevention from the evil for Allah^{azwj} would Make rulers in your affairs, the most evil ones of you, would be supplicating, but yours (the prayers) would not be Answered against them (the rulers).

وَعَلَيْكُمْ يَا بَنِيَّ بِالتَّوَّاصِلِ وَ التَّابِذِلِ وَ التَّبَارِ وَ اِيَّاكُمْ وَ التَّقَاطِعِ وَ التَّدَابِرِ وَ التَّفَرُّقِ وَ تَعَاوُنُوا عَلَيَّ الْبِرِّ وَ التَّقْوَى وَ لَا تَعَاوُنُوا عَلَيَّ الْاِثْمِ وَ الْعُدْوَانِ وَ اتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

And it is upon you^{asws}, O my^{asws} son^{asws}, with the maintenance of good relationships, and the generosity, and the virtuousness. And beware of the cutting-off (of the relationships), and the aversions (from each other) and the separations, and help each other upon the righteousness and the piety, and do not support upon the sins and the animosity. And fear Allah^{azwj}, that Allah^{azwj} is Harsh in the Retribution.

حَفِظَكُمُ اللَّهُ مِنْ أَهْلِ بَيْتٍ وَ حَفِظَ فِيكُمْ نَبِيَّكُمْ أَسْتَوِدِعُكُمْ اللَّهَ وَ أَقْرَأُ عَلَيْكُمُ السَّلَامَ وَ رَحْمَةَ اللَّهِ وَ بَرَكَاتِهِ

May Allah^{azwj} Protect you, from the family, (just as He^{azwj}) Protected your Prophet^{saww} among you. I^{asws} entrust you all to Allah^{azwj}, and convey the greetings upon you, and the Mercy of Allah^{azwj} and His^{azwj} Blessings.

ثُمَّ لَمْ يَزَلْ يَقُولُ لَا إِلَهَ إِلَّا اللَّهُ لَا إِلَهَ إِلَّا اللَّهُ حَتَّى فُيَضَ صَلَوَاتُ اللَّهِ عَلَيْهِ وَ رَحْمَتُهُ فِي ثَلَاثِ لَيَالٍ مِنَ الْعَشْرِ الْآخِرِ لَيْلَةَ ثَلَاثٍ وَ عَشْرِينَ مِنْ شَهْرِ رَمَضَانَ لَيْلَةَ الْجُمُعَةِ سَنَةَ أَرْبَعِينَ مِنَ الْهَجْرَةِ وَ كَانَ ضَرْبَ لَيْلَةٍ إِحْدَى وَ عَشْرِينَ مِنْ شَهْرِ رَمَضَانَ .

Then he^{asws} did not stop saying 'There is no god except for Allah^{azwj}, there is no god except for Allah^{azwj}', until he^{asws} passed away, may the Blessing of Allah^{azwj} be upon him^{asws}, and His^{azwj} Mercy, during the third night from the last ten nights of the twenty third from the Month of Ramazan, the night of Friday, the year forty from the Hijra. And he^{asws} was struck on the night of the twenty first from the Month of Ramazan.³⁷

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ عَنْ صَفْوَانَ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ صَفْوَانَ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ أَنَّ أَبَا الْحَسَنِ مُوسَى (عَلَيْهِ السَّلَامُ) بَعَثَ إِلَيْهِ بِوَصِيَّةِ أَبِيهِ وَ بَصَدَقْتِهِ مَعَ أَبِي إِسْمَاعِيلَ مُصَادِفِ بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ هَذَا مَا عَهْدَ جَعْفَرُ بْنُ مُحَمَّدٍ وَ هُوَ يَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ لَهُ الْمُلْكُ وَ لَهُ الْحَمْدُ بِحَيْثُ وَ يُؤْمِنُ بِبَيْتِهِ الْخَيْرِ وَ هُوَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ وَ أَنَّ مُحَمَّدًا عَبْدُهُ وَ رَسُولُهُ وَ أَنَّ السَّاعَةَ آتِيَةٌ لَا رَيْبَ فِيهَا وَ أَنَّ اللَّهَ يَبْعَثُ مَنْ فِي الْقُبُورِ عَلَى ذَلِكَ نَحْيًا وَ عَلَيْهِ نُمُوتُ وَ عَلَيْهِ نُبْعَثُ حَيًّا إِنْ شَاءَ اللَّهُ

Abu Ali Al Ashary, from Muhammad Bin Al Jabbar, from Safwan and Muhammad Bin Ismail, from Al Fazl Bin Shazan, from Safwan and Ali Bin Ibrahim, from his father, from safwan and Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Safwan Bin Yahya, from Abdul Rahman Bin Al Hajjaj that Abu Al Hassan Bin Musa^{asws} sent to him a bequest of his^{asws} father^{asws}, and with a charity, along with Abu Ismail Musadif.

In the Name of Allah^{azwj} the Beneficent, the Merciful. This is what is the testament of Ja'far^{asws} Bin Muhammad^{asws}, and he^{asws} testifies that there is not god except for Allah^{azwj}, One, there being no associates for Him^{azwj}. For Him^{azwj} is the Kingdom, and for Him^{azwj} is the Praise. He^{azwj} Revives and Causes to die. In His^{azwj} hand is the Goodness, and He^{azwj} has the Authority over everything. And that Muhammad^{saww} is His^{azwj} servant and His^{azwj} Rasool^{saww}, and that the Hour is coming, there is no doubt

³⁷ Al Kafi – V 7 – H 12933 – The Book of Bequests Ch 35 H 7

therein, and that Allah^{azwj} would Resurrect the ones who are in the graves. Upon that we^{asws} live, and upon it we^{asws} die, and upon it we^{asws} would be Resurrected alive to Him^{azwj}, Allah^{azwj} Willing.

وَعَهْدَ إِلَىٰ وُلْدِهِ إِلَّا يَمُوتُوا إِلَّا وَهُمْ مُسْلِمُونَ وَأَنْ يَتَّقُوا اللَّهَ وَيُصْلِحُوا ذَاتَ بَيْنِهِمْ مَا اسْتَطَاعُوا فَإِنَّهُمْ لَنْ يَزَالُوا يَخْتَرُ مَا فَعَلُوا ذَلِكَ وَإِنْ كَانَ دَيْنٌ يُدَانُ بِهِ وَعَهْدٌ إِذْ حَدَّثَ بِهِ حَدَّثٌ لَمْ يُعَيَّرْ عَهْدَهُ هَذَا وَهُوَ أَوْلَىٰ بِتَغْيِيرِهِ مَا أَبْقَاهُ اللَّهُ لِفُلَانٍ كَذَا وَكَذَا وَفُلَانٍ كَذَا وَفُلَانٍ كَذَا وَفُلَانٍ حُرٌّ

And he^{asws} covenants (pledges) to his^{asws} children that they should not be dying except that they are Muslims, and that they should be fearing Allah^{azwj}, and that they should be reconciling among themselves in accordance with their abilities, so they would not cease to be with goodness for as long as they do that, if it was a Religion that they made a Religion with. And he^{asws} covenants that if there befalls him^{asws} what befalls (passes away), and he^{asws} does not change this covenant of his^{asws} and he^{asws} is the first with the changing of it (rightful for it) for as long as Allah^{azwj} Causes him^{asws} to remain – for so and so is such and such, and for so and so is such and such, and for so and so is such and such, and so and so is free.

وَجَعَلَ عَهْدَهُ إِلَىٰ فُلَانٍ بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ هَذَا مَا تَصَدَّقَ بِهِ مُوسَىٰ بْنُ جَعْفَرٍ بِأَرْضِ بَمَكَانَ كَذَا وَكَذَا وَحُدُ الْأَرْضِ كَذَا وَكَذَا كُلِّهَا وَنُخْلَهَا وَبِيَاضَهَا وَمَائِهَا وَأَرْجَانِهَا وَحُقُوقَهَا وَشَرِبَهَا مِنَ الْمَاءِ وَكُلَّ حَقٍّ قَلِيلٍ أَوْ كَثِيرٍ هُوَ لَهَا فِي مَرْفَعٍ أَوْ مَظْهَرٍ أَوْ مَغِيضٍ أَوْ مِرْفَقٍ أَوْ سَاحَةِ أَوْ شَعْبَةٍ أَوْ مَشْعَبٍ أَوْ مَسِيلٍ أَوْ عَامِرٍ أَوْ غَامِرٍ تَصَدَّقَ بِجَمِيعِ حَقِّهِ مِنْ ذَلِكَ عَلَىٰ وُلْدِهِ مِنْ صُلْبِهِ الرَّجَالِ وَالنِّسَاءِ يُفَسِّمُ وَالْيَهَا مَا أَخْرَجَ اللَّهُ عَزَّ وَجَلَّ مِنْ غَلَّتِهَا بَعْدَ الَّذِي يَكْفِيهَا مِنْ عِمَارَتِهَا وَمَرَافِقِهَا

And he^{asws} makes his^{asws} covenant to so and so. In the Name of Allah^{azwj} the Beneficent, the Merciful. This is what is given in charity to Musa^{asws} Bin Ja'far^{asws}, by a land at such and such a place, and limit of the land such and such, all of it, and its trees, and its grounds, and its eggs/seeds, and its waters, and its surroundings, and its rights, and its watering places, and every right, little or more, whether there is for it in a high place or a courtyard, or branches, or dividing marks, or drainages, or inhabited or uninhabited places are hereby given in charity, with the entirety of its rights from that upon his^{asws} children from his^{asws} lineage, the men and the women, to be distributed, along with whatever Allah^{azwj} Mighty and Majestic would Bring out from its yields after what is sufficient from its buildings and its facilities.

وَبَعْدَ ثَلَاثِينَ عَدْفًا يُفَسِّمُ فِي مَسَاكِينِ أَهْلِ الْقَرْيَةِ بَيْنَ وُلْدِ مُوسَىٰ لِلذَّكْرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ فَإِنْ تَزَوَّجَتْ امْرَأَةٌ مِنْ وُلْدِ مُوسَىٰ فَلَا حَقَّ لَهَا فِي هَذِهِ الصَّدَقَةِ حَتَّىٰ تَرْجِعَ إِلَيْهَا بِغَيْرِ زَوْجٍ فَإِنْ رَجَعَتْ كَانَ لَهَا مِثْلُ حَظِّ الْتِي لَمْ تَتَزَوَّجْ مِنْ بَنَاتِ مُوسَىٰ وَإِنْ مَنَّ تَوْفِيٍّ مِنْ وُلْدِ مُوسَىٰ وَ لَهُ وُلْدٌ فَوَلَدُهُ عَلَىٰ سَهْمِ أَبِيهِ لِلذَّكْرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ عَلَىٰ مِثْلِ مَا شَرَطَ مُوسَىٰ بْنُ جَعْفَرٍ فِي وُلْدِهِ مِنْ صُلْبِهِ وَإِنْ مَنَّ تَوْفِيٍّ مِنْ وُلْدِ مُوسَىٰ وَ لَمْ يَنْتَرْكْ وَلَدًا رَدَّ حَقَّهُ عَلَىٰ أَهْلِ الصَّدَقَةِ وَ إِنَّهُ لَيْسَ لَوْلَدِ بَنَاتِي فِي صَدَقَتِي هَذِهِ حَقٌّ إِلَّا أَنْ يَكُونَ أَبَاؤُهُمْ مِنْ وُلْدِي

And afterwards, thirty clusters are to be distributed among the poor of the people of the town between the children of Musa^{as}, for the males being the portion of the two females. So if a woman from the children of Musa^{asws} were to be married, so there would be no right for her in this charity until she returns without a husband. So if she returns, there would be for her a portion similar to that which was for the unmarried daughters of Musa^{asws}. And if one dies from the children of Musa^{asws}, and for him are children, so the children would be upon the share of their father^{asws}, for the male being two portions of the female, upon what Musa^{asws} Bin Ja'far^{asws} stipulated among his^{asws} children from his^{asws} offspring. And if one were to die, from the children of

Musa^{asws} and does not have any children for him, his right would be returned to the rightful ones of the charity, and it is not for the children of my^{asws} daughters (to have) any right in this charity of mine^{asws} except that they father happens to be from my^{asws} children.

وَ إِنَّهُ لَيْسَ لِأَحَدٍ حَقٌّ فِي صَدَقَتِي مَعَ وُلْدِي أَوْ وُلْدِ وُلْدِي وَ أَعْقَابِهِمْ مَا بَقِيَ مِنْهُمْ أَحَدٌ وَ إِذَا انْقَرَضُوا وَ لَمْ يَبْقَ مِنْهُمْ أَحَدٌ فَصَدَقَتِي عَلَى وُلْدِ أَبِي مِنْ أُمِّي مَا بَقِيَ أَحَدٌ مِنْهُمْ عَلَى مَا شَرَطْتُهُ بَيْنَ وُلْدِي وَ عَقْبِي فَإِنْ انْقَرَضَ وُلْدُ أَبِي مِنْ أُمِّي فَصَدَقَتِي عَلَى وُلْدِ أَبِي وَ أَعْقَابِهِمْ مَا بَقِيَ مِنْهُمْ أَحَدٌ عَلَى مِثْلِ مَا شَرَطْتُ بَيْنَ وُلْدِي وَ عَقْبِي فَإِذَا انْقَرَضَ مِنْ وُلْدِ أَبِي وَ لَمْ يَبْقَ مِنْهُمْ أَحَدٌ فَصَدَقَتِي عَلَى الْأَوَّلِ فَالْأَوَّلِ حَتَّى يَرِثَهَا اللَّهُ الَّذِي وَرَثَهَا وَ هُوَ خَيْرُ الْوَارِثِينَ

And there is no right for anyone in this charity of mine along with my^{asws} children, or children of my^{asws} children, and their posterity what remains from them anyone. And if they are extinct and there does not remain anyone from them, so my^{asws} charity is upon the children of my^{asws} father^{asws}, from my^{asws} mother for as long as one of them remains, upon what I^{asws} have stipulated between my^{asws} children and my^{asws} posterity. So if the children of my^{asws} father^{asws} from my^{asws} mother be extinct, so my^{asws} charity is upon the children of my^{asws} father and their posterity, what remains among them anyone, upon similar stipulations what was between my^{asws} children and my^{asws} posterity. So if the children of my^{asws} father^{asws} are extinct, and there does not remain anyone from them, so my^{asws} charity is upon the first and the foremost until Allah^{azwj} Makes to inherit those who inherit it and He^{azwj} is the best of the Causers of inheritors.

تَصَدَّقَ مُوسَى بْنُ جَعْفَرٍ بِصَدَقَتِهِ هَذِهِ وَ هُوَ صَاحِبُ صَدَقَةٍ حَبَسًا بَنَاءً لَا مَشُوبَةَ فِيهَا وَ لَا رَدَّ أَبَدًا ابْتِغَاءً وَجْهَ اللَّهِ عَزَّ وَ جَلَّ وَ الدَّارِ الْآخِرَةِ لَا يَحِلُّ لِمُؤْمِنٍ يُؤْمِنُ بِاللَّهِ وَ الْيَوْمِ الْآخِرِ أَنْ يَبِيعَهَا أَوْ شَيْئاً مِنْهَا وَ لَا يَهْدَهَا وَ لَا يُنْحَلَهَا وَ لَا يُعَيِّرَ شَيْئاً مِنْهَا مِمَّا وَضَعْتُهُ عَلَيْهَا حَتَّى يَرِثَ اللَّهُ الْأَرْضَ وَ مَا عَلَيْهَا وَ جَعَلَ صَدَقَتَهُ هَذِهِ إِلَى عَلِيِّ وَ إِبْرَاهِيمَ فَإِنْ انْقَرَضَ أَحَدُهُمَا دَخَلَ الْقَاسِمُ مَعَ الْبَاقِي مِنْهُمَا فَإِنْ انْقَرَضَ أَحَدُهُمَا دَخَلَ الْعَبَّاسُ مَعَ الْبَاقِي مِنْهُمَا فَإِنْ انْقَرَضَ أَحَدُهُمَا فَالْأَكْبَرُ مِنْ وُلْدِي فَإِنْ لَمْ يَبْقَ مِنْ وُلْدِي إِلَّا وَاحِدٌ فَهُوَ الَّذِي يَلِيهِ

Musa^{asws} Bin Ja'far^{asws} has been given this charity and he^{asws} is correct for holding the charity, without doubt or reversion in it ever, seeking the Face of Allah^{azwj} Mighty and Majestic and the House of the Hereafter.

It is not permissible for a Believer who believes in Allah^{azwj} and the Last Day, that he sells it, or anything from it, nor gift it, nor donate it, nor change anything from it, from what I^{asws} have placed it until Allah^{azwj} Inherits the earth and whatever is upon it, and I make this charity of mine to Ali, and Ibrahim. So if they one of the two be extinct, Al-Qasim would enter along with the remaining one of the two. So if one of the two be extinct, Ismail would enter along with the remaining one of the two. So if one of the two be extinct, Al-Abbas would enter with the remain one of the two. So if one of the two be extinct, so the elder one of my^{asws} sons. So if there were not to remain anyone from my^{asws} sons except for one, so he would the one to deal with it.

وَ زَعَمَ أَبُو الْحَسَنِ أَنَّ أَبَاهُ قَدَّمَ إِسْمَاعِيلَ فِي صَدَقَتِهِ عَلَى الْعَبَّاسِ وَ هُوَ أَصْغَرُ مِنْهُ .

And Abu Al-Hassan^{asws} thought that his^{asws} father^{asws} placed Ismail forward in his^{asws} charity over Al-Abbas, and he was younger than him'.³⁸

³⁸ Al Kafi – V 7 – The Book of Bequests Ch 35 H 8

مَحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ النَّضْرِ بْنِ سُوَيْدٍ عَنِ يَحْيَى بْنِ عُمَرَ بْنِ الْحَلْبِيِّ عَنْ أَبِي بَرْبِ بْنِ عَطِيَّةَ الْحَدَّادِ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) يَقُولُ قَسَمَ نَبِيُّ اللَّهِ (صلى الله عليه وآله) الْفَيْءَ فَأَصَابَ عَلِيًّا (عليه السلام) أَرْضًا فَاحْتَقَرَ فِيهَا عَيْنًا فَخَرَجَ مَاءٌ يَنْبُعُ فِي السَّمَاءِ كَهَيْئَةِ عُنُقِ النَّبَعِ فَسَمَّاها يَنْبُعُ فَجَاءَ الْبَشِيرُ يُبَشِّرُ فَقَالَ (عليه السلام) بَشِّرِ الْوَارِثَ هِيَ صَدَقَةٌ بَنَّةٌ بَنَلَا فِي حَجِيجِ بَيْتِ اللَّهِ وَ عَابِرِي سَبِيلِ اللَّهِ لَا تَبَاغُ وَ لَا تَوْهَبُ وَ لَا تَوْرَثُ فَمَنْ بَاعَهَا أَوْ وَهَبَهَا فَعَلَيْهِ لَعْنَةُ اللَّهِ وَ الْمَلَائِكَةِ وَ النَّاسِ أَجْمَعِينَ لَا يَقْبَلُ اللَّهُ مِنْهُ صَرْفًا وَ لَا عَدْلًا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Al Nazar Bin Suweyd, from Yahya Bin Imran Al Halby, from Ayoub Bin Atiyya Al Haza'a who said,

'I heard Abu Abdullah^{asws} saying: 'The Prophet^{saww} of Allah^{azwj} distributed Al-Fey, so Ali^{asws} got a land and there were springs in it. So the water came out gushing towards the sky as if it was a neck of the camel. Thus it was named as Yanba (gusher). So the herald of good news came with the good news, so he^{asws} said: 'Give the good news to the inheritors. It is a charity, irrevocable, in the Pilgrims of the House of Allah^{azwj}, and the passers-by in the Way of Allah^{azwj}. It can neither be sold, not gifted, nor inherited. So the one who sells it, or gifts it, so upon him is the Curse of Allah^{azwj}, and the Angels, and the people altogether. Allah^{azwj} will not Accept from him an exchange nor a ransom'.³⁹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ جَمِيلِ بْنِ صَالِحٍ عَنْ هِشَامِ بْنِ أَحْمَرَ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدَ بْنَ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ الْحَمِيدِ جَمِيعًا عَنْ سَالِمَةَ مَوْلَاةِ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَتْ كُنْتُ عِنْدَ أَبِي عَبْدِ اللَّهِ (عليه السلام) حِينَ حَضَرَتْهُ الْوَفَاةُ فَأَغَمِي عَلَيْهِ فَلَمَّا أَفَاقَ قَالَ أَعْطُوا الْحَسَنَ بْنَ عَلِيٍّ بْنِ الْحُسَيْنِ وَ هُوَ الْأَفْطُسُ سَبْعِينَ دِينَارًا وَ أَعْطُوا فُلَانًا كَذَا وَ كَذَا وَ فُلَانًا كَذَا وَ كَذَا فَقُلْتُ أَعْطِي رَجُلًا حَمَلَ عَلَيَّكَ بِالشَّفَرَةِ فَقَالَ وَ يَحْكُ مَا تَقْرَأِينَ الْقُرْآنَ قُلْتُ بَلَى قَالَ أَمَا سَمِعْتَ قَوْلَ اللَّهِ عَزَّ وَ جَلَّ الَّذِينَ يَصِلُونَ مَا أَمَرَ اللَّهُ بِهِ أَنْ يُوصَلَ وَ يَخْشَوْنَ رَبَّهُمْ وَ يَخَافُونَ سُوءَ الْحِسَابِ

A number of our companions, from Ahmad Bin Muhammad, from Al Hassan Bin Mahboub, from Jameel Bin Salih, from Hisham Bin Ahmad and Ali Bn Ibrahim, from his father and Muhammad Bin Ismail, from Al Fazl Bin Shazaan, from Ibn Abu Umeyr, from Ibrahim Bin Abdul Hameed altogether,

(It has been narrated) from Salima, a slave girl of Abu Abdullah^{asws} who said, 'I was in the presence of Abu Abdullah^{asws} when death presented itself to him^{asws}. So he^{asws} fell unconscious, then woke up, said: 'Give seventy Dinars to Al-Hassan son of Ali^{asws} Bin Al-Husayn^{asws}, and he was Al-Aftas, and give so and so such and such, and to so and so such and such'. So I said, 'You^{asws} want to give a man who attacked you^{asws} with a blade?' So he^{asws} said: 'Woe be unto you! Have you not read the Quran?' I said, 'Yes'. He^{asws} said: 'Have you not hear the Words of Allah^{azwj} Mighty and Majestic [13:21] **And those who join what Allah has Bidden to be joined and have awe of their Lord and they are fearing the evil Reckoning**'.

قَالَ ابْنُ مَحْبُوبٍ فِي حَدِيثِهِ حَمَلَ عَلَيَّكَ بِالشَّفَرَةِ يُرِيدُ أَنْ يَقْتُلَكَ فَقَالَ أ تُرِيدِينَ عَلَيَّ أَنْ لَا أَكُونَ مِنَ الَّذِينَ قَالَ اللَّهُ تَبَارَكَ وَ تَعَالَى الَّذِينَ يَصِلُونَ مَا أَمَرَ اللَّهُ بِهِ أَنْ يُوصَلَ وَ يَخْشَوْنَ رَبَّهُمْ وَ يَخَافُونَ سُوءَ الْحِسَابِ نَعَمْ يَا سَالِمَةُ إِنَّ اللَّهَ خَلَقَ الْجَنَّةَ وَ طَيَّبَهَا وَ طَيَّبَ رِيحَهَا وَ إِنَّ رِيحَهَا لَتُوجَدُ مِنْ مَسِيرَةِ الْفَيْءِ عَامٍ وَ لَا يَجِدُ رِيحَهَا عَاقٍ وَ لَا قَاطِعٍ رَجْمٍ .

Ibn Mahboub said in his Hadeeth – 'One who attacked you with a blade intending to kill you^{asws}? So he^{asws} said: 'Are you wanting that I^{asws} should happen to be from the ones about whom Allah^{azwj} Blessed and High Said [13:21] **And those who join what Allah has Bidden to be joined and have awe of their Lord and they are fearing the evil Reckoning**? Yes, O Salima! Allah^{azwj} Created the Paradise and its

³⁹ Al Kafi – V 7 – The Book of Bequests Ch 35 H 9

perfume, and aromatised its aroma, and its aroma can be found (smelt) from a travel distance of two thousand years, and it would not be smelt by one disobedient to his parents (Aaq), and one who has cut-off relationships'.⁴⁰

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ جَمِيعاً عَنْ صَفْوَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ قَالَ سَأَلْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَام) عَمَّا يَقُولُ النَّاسُ فِي الْوَصِيَّةِ بِالثَّلَاثِ وَ الرَّبْعِ عِنْدَ مَوْتِهِ أَسَيءٌ صَحِيحٌ مَعْرُوفٌ أَمْ كَيْفَ صَنَعَ أَبُوكَ فَقَالَ الثَّلَاثُ ذَلِكَ الْأَمْرُ الَّذِي صَنَعَ أَبِي رَحِمَهُ اللَّهُ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar and Muhammad Bin Ismail, from Al Fazl Bin Shazaan, altogether from Safwan, from Abdul Rahman Bin Al Hajjaj who said,

'I asked Abu Al-Hassan^{asws} about what the people are saying regard the bequeathing with the third and the fourth during death. Which thing is correct, good, or how did your^{asws} father^{asws} do it?' So he^{asws} said: 'The third is the Command which my^{asws} father^{asws} made it to be. May Allah^{azwj} have Mercy upon him^{asws}'.⁴¹

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ جَعْفَرِ بْنِ سَمَاعَةَ وَ غَيْرِهِ عَنْ أَبِيَانَ عَنْ مُحَمَّدِ بْنِ مَرْوَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ إِنَّ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَام) مَاتَ وَ تَرَكَ سِتِّينَ غُلَامًا فَأَعْتَقَ ثُلُثَهُمْ فَأَقْرَعَتْ بَيْنَهُمْ فَأَخْرَجَتْ عَشْرِينَ فَأَعْتَقَتْهُمْ .

Humayd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from Ja'far Bin Sama'at, and someone else, from Aban, from Muhammad Bin Marwan,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Abu Ja'far^{asws} passed away and left (as legacy) sixty slaves, so he^{asws} emancipated (freed) a third of them. So I^{asws} drew lots between them, so I^{asws} brought out twenty and freed them'.⁴²

عَنْهُ عَنْ عَبْدِ اللَّهِ بْنِ جَبَلَةَ وَ غَيْرِهِ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ أَعْتَقَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَام) مِنْ غِلْمَانِهِ عِنْدَ مَوْتِهِ شِرَارَهُمْ وَ أَمْسَكَ خِيَارَهُمْ فَقُلْتُ يَا أَبَهْ تُعْتِقُ هَؤُلَاءِ وَ تُمْسِكُ هَؤُلَاءِ فَقَالَ إِنَّهُمْ قَدْ أَصَابُوا مِنِّي ضَرًّا فَيَكُونُ هَذَا بِهِذَا .

From him, from Abdullah Bin Jabala and someone else, from Is'haq Bin Ammar, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Abu Ja'far^{asws} emancipated (liberated) the mischievous ones from his^{asws} slaves, during his^{asws} passing away, and retained the good ones of them'. So I^{asws} said, 'O father^{asws}! You^{asws} are freeing these ones and retaining those ones'. So he^{asws} said: 'They had been subjected to disciplining from me^{asws}, so that happened by this'.⁴³

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيِّ الْوَشَّاءِ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ عُمَرَ بْنِ يَزِيدَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ مَرَضَ عَلِيُّ بْنُ الْحُسَيْنِ (عَلَيْهِ السَّلَام) ثَلَاثَ مَرَضَاتٍ فِي كُلِّ مَرَضَةٍ يُوصِي بِوَصِيَّةٍ فَإِذَا أَفَاقَ أَمْضَى وَصِيَّتَهُ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Hassan Bin Ali Al Washa, from Abdullah Bin Sinan, from Umar Bin Yazeed,

⁴⁰ Al Kafi – V 7 – The Book of Bequests Ch 35 H 10

⁴¹ Al Kafi – V 7 – The Book of Bequests Ch 35 H 11

⁴² Al Kafi – V 7 – The Book of Bequests Ch 35 H 12

⁴³ Al Kafi – V 7 – The Book of Bequests Ch 35 H 13

(It has been narrated) from Abu Abdullah^{asws} having said: ‘Ali^{asws} Bin Al-Husayn^{asws} fell ill with three illnesses. During every illness he^{asws} bequeathed with a bequest, so when he^{asws} came around, signed (approved) his^{asws} bequest’.⁴⁴

بَاب مَا يُلْحَقُ الْمَيِّتِ بَعْدَ مَوْتِهِ

Chapter 36 – What attaches to the deceased after his death

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَيْسَى عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ مَنْصُورٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ لَيْسَ يَتَّبِعُ الرَّجُلَ بَعْدَ مَوْتِهِ مِنَ الْأَجْرِ إِلَّا ثَلَاثٌ خِصَالٍ صَدَقَةٌ أَجْرَاهَا فِي حَيَاتِهِ فَهِيَ تَجْرِي بَعْدَ مَوْتِهِ وَ سُنَّةٌ هُدَى سَنَّهَا فَهِيَ يُعْمَلُ بِهَا بَعْدَ مَوْتِهِ أَوْ وَلَدٌ صَالِحٌ يَدْعُو لَهُ .

A number of our companions, from Ahmad Bin Muhammad Bin Isa, from Muhammad Bin Isa, from Mansour, from Hisham Bin Salim,

(It has been narrated) from Abu Abdullah^{asws} having said: ‘Nothing from the recompense follows the man after his death except for three qualities – a charity which he made it to flow during his lifetime so it would flow after his death; and a Sunnah which he enacted so it would be acted upon after his death; or a righteous child who would supplicate for him’.⁴⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ لَيْسَ يَتَّبِعُ الرَّجُلَ بَعْدَ مَوْتِهِ مِنَ الْأَجْرِ إِلَّا ثَلَاثٌ خِصَالٍ صَدَقَةٌ أَجْرَاهَا فِي حَيَاتِهِ فَهِيَ تَجْرِي بَعْدَ مَوْتِهِ وَ صَدَقَةٌ مَبْتُوَلَةٌ لَا تُورَثُ أَوْ سُنَّةٌ هُدَى يُعْمَلُ بِهَا بَعْدَهُ أَوْ وَلَدٌ صَالِحٌ يَدْعُو لَهُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammaad, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} having said: ‘Nothing from the recompense follows the man after his death except for three qualities – a charity which he made it to flow during his lifetimes, so it would flow after his death; and a charity of an untouched woman not inherited, or a Sunnah guidance which would be acted upon after him, or a righteous child who would supplicate for him’.

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ عَنْ صَفْوَانَ عَنِ ابْنِ مُسْكَانَ عَنْ مُحَمَّدِ بْنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) مِثْلَهُ إِلَّا أَنَّهُ قَالَ أَوْ وَلَدٌ صَالِحٌ يَسْتَغْفِرُ لَهُ .

Muhammad Bin Ismail, from Al Fazal Bin Shazaan, from Safwan, from Ibn Muskan, from Muhammad Al Halby,

(It has been narrated) from Abu Abdullah^{asws}, similar to it except that he^{asws} said: ‘Or a righteous child who seeks Forgiveness for him’.⁴⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ لَا يَتَّبِعُ الرَّجُلَ بَعْدَ مَوْتِهِ إِلَّا ثَلَاثٌ خِصَالٍ صَدَقَةٌ أَجْرَاهَا لِلَّهِ فِي حَيَاتِهِ فَهِيَ تَجْرِي لَهُ بَعْدَ مَوْتِهِ وَ سُنَّةٌ هُدَى سَنَّهَا فَهِيَ يُعْمَلُ بِهَا بَعْدَ وَفَاتِهِ وَ وَلَدٌ صَالِحٌ يَدْعُو لَهُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Is'haq Bin Ammar,

⁴⁴ Al Kafi – V 7 – The Book of Bequests Ch 35 H 14

⁴⁵ Al Kafi – V 7 – The Book of Bequests Ch 36 H 1

⁴⁶ Al Kafi – V 7 – The Book of Bequests Ch 36 H 2

(It has been narrated) from Abu Abdullah^{asws} having said: ‘There does not follow the man after his death except for three qualities – a charity he made it to flow for the Sake of Allah^{azwj} during his lifetime, so it would flow for him after his death; and a Sunnah guidance which he enacted so it would be acted upon after his death; and a righteous child who would supplicate for him’.⁴⁷

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَاذَانَ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) مَا يَلْحَقُ الرَّجُلَ بَعْدَ مَوْتِهِ فَقَالَ سِنَّةٌ سَنَّهَا يُعْمَلُ بِهَا بَعْدَ مَوْتِهِ فَيَكُونُ لَهُ مِثْلُ أَجْرٍ مَنْ عَمَلَ بِهَا مِنْ غَيْرِ أَنْ يَنْتَقِصَ مِنْ أَجُورِهِمْ شَيْءٌ وَ الصَّدَقَةُ الْجَارِيَةُ تَجْرِي مِنْ بَعْدِهِ وَ الْوَلَدُ الصَّالِحُ يَدْعُو لِوَالِدَيْهِ بَعْدَ مَوْتِهِمَا وَ يَحُجُّ وَ يَنْصَدُقُ عَنْهُمَا وَ يُعْتِقُ وَ يَصُومُ وَ يَصَلِّي عَنْهُمَا فَقُلْتُ أَشْرَكُهُمَا فِي حَجِّي قَالَ نَعَمْ .

Muhammad Bin Ismail, from Al Fazl Bin Shazaan, from Safwan Bin Yahya, from Muawiya Bin Ammar who said,

‘I said to Abu Abdullah^{asws}: ‘What attaches to the man after his death?’ So he^{asws} said: ‘A Sunnah which he enacted which would be acted upon after his death, so there would happen to be for him a Recompense of the one who acts by it without there being any deficiency in their Recompenses by anything; and a flowing charity which would flow after his death; and the righteous child who would supplicate for its parents after both their deaths, and go for Hajj (on their behalf), and give in charity on both their behalf, and emancipate (liberate a slave), and Fast, and Pray on both their behalf’. So I said, ‘Shall I offer Hajj on behalf of them both (parents)?’ He^{asws} said: ‘Yes’.⁴⁸

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ يَعْقُوبَ بْنِ يَزِيدَ عَنْ مُحَمَّدِ بْنِ شُعَيْبٍ عَنْ أَبِي كَهْمَسٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سِنَّةٌ تَلْحَقُ الْمُؤْمِنَ بَعْدَ وَفَاتِهِ وَ لَدَّ يَسْتَغْفِرُ لَهُ وَ مُصْحَفٌ يَخْلُقُهُ وَ غَرْسٌ يَغْرِسُهُ وَ قَلْبٌ يَحْفَرُهُ وَ صَدَقَةٌ يُجْرِيهَا وَ سِنَّةٌ يُؤْخَذُ بِهَا مِنْ بَعْدِهِ .

A number of our companions, from Ahmad Bin Abu Abdullah, from Yaqoub Bin Yazeed, from Muhammad Bin Shuayb, from Abu Kahmas,

Abu Abdullah^{asws} has said: ‘Six (things) attach to the Believer after his death – a child who seeks Forgiveness for him, and a book he leaves behind, and a plant which he plants, and a well which he digs, and a charity which he makes to flow, and a Sunnah which is taken with (acted upon) from after it’.⁴⁹

باب النوادر

Chapter 37 – The miscellaneous

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنْ عَلِيِّ بْنِ عُبَيْدَةَ عَنْ بُرَيْدِ بْنِ مُعَاوِيَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ إِنَّ رَجُلًا أَوْصَى إِلَيَّ فَسَأَلْتُهُ أَنْ يُشْرِكَ مَعِيَ ذَا قَرَابَةٍ لَهُ فَفَعَلَ وَ ذَكَرَ الَّذِي أَوْصَى إِلَيَّ أَنَّ لَهُ قَبِيلَ الَّذِي أَشْرَكَهُ فِي الْوَصِيَّةِ خَمْسِينَ وَ مِائَةً دَرَاهِمٍ عِنْدَهُ رَهْنًا بِهَا جَامٌ مِنْ فِضَّةٍ فَلَمَّا هَلَكَ الرَّجُلُ أَنْشَأَ الْوَصِيُّ يَدْعِي أَنَّ لَهُ قَبِيلَهُ أَكْرَارَ حِنْطَةٍ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazal, from Ali Bin Uqba, from Bureyd Bin Muawiya,

⁴⁷ Al Kafi – V 7 – The Book of Bequests Ch 36 H 3

⁴⁸ Al Kafi – V 7 – The Book of Bequests Ch 36 H 4

⁴⁹ Al Kafi – V 7 – The Book of Bequests Ch 36 H 5

(It has been narrated) from Abu Abdullah^{asws}, said, 'I said to him^{asws}, 'A man bequeathed to me (to be an executor), so I asked that he should associate (someone else) with me who is a near relative of his. So he did it, and he, the one who bequeathed to me, mentioned that for him with the one who is an associate with regards to the bequest, are one hundred and fifty Dirhams as security, a bowl of silver. So when the man died, the executor said that he has a claim against him (the deceased) a certain measurements of wheat.

قَالَ إِنَّ أَقَامَ النَّبِيَّةَ وَ إِلَّا فَلَا شَيْءَ لَهُ قَالَ فُلْتُ لَهُ أ يَجِلُّ لَهُ أَنْ يَأْخُذَ مِمَّا فِي يَدِهِ شَيْئًا قَالَ لَا يَجِلُّ لَهُ فُلْتُ لَوْ أَنَّ رَجُلًا عَدَا عَلَيْهِ فَأَخَذَ مَالَهُ فَقَدَرَ عَلَى أَنْ يَأْخُذَ مِنْ مَالِهِ مَا أَخَذَ أَ كَانَ ذَلِكَ لَهُ قَالَ إِنَّ هَذَا لَيْسَ مِثْلَ هَذَا .

He^{asws} said: If he establishes the evidence, otherwise there is nothing for him'. I said to him^{asws}, 'Is it Permissible for him that he takes anything from what is in his hands?' He^{asws} said: 'It is not Permissible for him'. I said, 'What is your^{asws} view, if that man is inimical towards him, so he takes his wealth, and he is able to take from his wealth what he takes, that would be for him?' He^{asws} said: 'This (situation) is not similar to this'.⁵⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادِ بْنِ عُثْمَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ أَوْصَى رَجُلٌ بِنِثْلَيْنِ دِينَارًا لَوْلَدِ فَاطِمَةَ (عَلَيْهَا السَّلَام) قَالَ فَاتَى بِهَا الرَّجُلُ إِلَى أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فَقَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) اذْفَعَهَا إِلَى فُلَانِ شَيْخٍ مِنْ وُلْدِ فَاطِمَةَ (عَلَيْهَا السَّلَام) وَ كَانَ مُعْبِلًا مُغْلًا فَقَالَ لَهُ الرَّجُلُ إِنَّمَا أَوْصَى بِهَا الرَّجُلُ لَوْلَدِ فَاطِمَةَ فَقَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) إِنَّهَا لَا تَفْعُ مِنْ وُلْدِ فَاطِمَةَ وَ هِيَ تَفْعُ مِنْ هَذَا الرَّجُلِ وَ لَهُ عِيَالٌ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad Bin Usman,

(It has been narrated) from Abu Abdullah^{asws} having said: 'A man bequeathed thirty Dinars for the children of Syeda Fatima^{asws}. So the man brought it to Abu Abdullah^{asws}. So Abu Abdullah^{asws} said: 'Hand it over to so and so old man from the children of Fatima^{asws}, and he was a breadwinner, with scarcity. So the man said to him^{asws}, 'But rather the man bequeathed with it for the children of Fatima^{asws} (to you^{asws})'. So Abu Abdullah^{asws} said: 'But rather it does not fall upon the (particular) children of Fatima^{asws}, and it falls upon this man (who is among the descendants of Syeda^{asws}), and for him are dependants'.⁵¹

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ عَلِيِّ بْنِ مَهْرَبَارٍ عَنْ أَحْمَدَ بْنِ حَمْزَةَ قَالَ قُلْتُ لَهُ إِنَّ فِي بَلَدِنَا رُبَّمَا أَوْصِيَ بِالْمَالِ لِأَلِ مُحَمَّدٍ (عَلَيْهِمُ السَّلَام) فَيَأْتُونِي بِهِ فَأَكْرَهُ أَنْ أَحْمِلَهُ إِلَيْكَ حَتَّى أَسْتَأْمَرَكَ فَقَالَ لَا تَأْتِنِي بِهِ وَ لَا تَعْرَضْ لَهُ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Ali Bin Mahziyar, from Ahmad Bin Hamza who said,

'I said to him^{asws}, 'In our city, sometimes (people tend to) bequeath wealth to the Progeny^{asws} of Muhammad^{saww}, so they bring it to me, but I dislike carrying it over to you^{asws} until you^{asws} instruct me to do so'. So he^{asws} said: 'Do not come to me^{asws} with it, and do not concern (yourself) with it' (since he disliked carrying it).⁵²

مُحَمَّدُ بْنُ يَحْيَى رَفَعَهُ عَنْهُمْ (عَلَيْهِمُ السَّلَام) قَالَ قَالَ مَنْ أَوْصَى بِالثَّلْثِ احْتَسِبَ لَهُ مِنْ زَكَاتِهِ .

⁵⁰ Al Kafi – V 7 – The Book of Bequests Ch 37 H 1

⁵¹ Al Kafi – V 7 – The Book of Bequests Ch 37 H 2

⁵² Al Kafi – V 7 – The Book of Bequests Ch 37 H 3

Muhammad Bin Yahya,

(It has been narrated) raising it from them^{asws}, said, 'He^{asws} said: 'The one who bequeaths with the one-third, it would be reckoned for him from his Zakat'.⁵³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (صَلَوَاتُ اللَّهِ عَلَيْهِ) فِي رَجُلٍ أَقْرَبَ عِنْدَ مَوْتِهِ لِفُلَانٍ وَفُلَانٍ لِأَحَدِهِمَا عِنْدِي أَلْفٌ دِرْهَمٍ ثُمَّ مَاتَ عَلَى تِلْكَ الْحَالِ فَقَالَ أَيُّهُمَا أَقَامَ الْبَيْئَةَ فَلَهُ الْمَالُ فَإِنْ لَمْ يُعْمَ وَاحِدٌ مِنْهُمَا الْبَيْئَةَ فَالْمَالُ بَيْنَهُمَا نِصْفَانِ .

Ali Bin Ibrahim, from his father, from Al Nowfaly, from Al Sakuny,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} said with regards to a man who accepted during his death, For so and so, and so and so, for one of the two, with me, there are a thousand Dirhams'. Then he died upon that state. So he^{asws} said: 'Whichever of the two establishes the evident, so for him is the wealth. So if neither of the two establishes the evidence, so the wealth is (divided) between the two of them, in two halves'.⁵⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ هَارُونَ بْنِ مُسْلِمٍ عَنْ مَسْعَدَةَ بْنِ صَدَقَةَ عَنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ مَنْ عَدَلَ فِي وَصِيَّتِهِ كَانَ بِمَنْزِلَةِ مَنْ تَصَدَّقَ بِهَا فِي حَيَاتِهِ وَمَنْ جَارَ فِي وَصِيَّتِهِ لَقِيَ اللَّهَ عَزَّ وَجَلَّ يَوْمَ الْقِيَامَةِ وَهُوَ عَنْهُ مُعْرِضٌ .

Ali Bin Ibrahim, from his father, from Haroun Bin Muslim, from Mas'ada Bin Sadaqa,

Abu Abdullah^{asws} has said: 'The one who does justice in his bequest would be at the status of the one who gave in charity with it during his lifetime; and the one who is inequitable in his bequest would meet Allah^{azwj} Mighty and Majestic on the Day of Judgement, and He^{azwj} would Turn away from him'.⁵⁵

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الرِّيَّانِ قَالَ كَتَبْتُ إِلَى أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) أَسْأَلُهُ عَنْ إِنْسَانٍ أَوْصَى بِوَصِيَّةٍ فَلَمْ يَحْفَظِ الْوَصِيَّ إِلَّا بَاباً وَاحِداً مِنْهَا كَيْفَ يَصْنَعُ فِي الْبَاقِي فَوْقَ (عَلَيْهِ السَّلَام) الْأَبْوَابِ الْبَاقِيَةَ يَجْعَلُهَا فِي الْبِرِّ .

A number of our companions, from Sahl Bin Ziyad, from Muhammad Bin Al Rayyan who said,

'I wrote to Abu Al-Hassan^{asws} asking him about a human being who bequeathed with a bequest, but the executor did not memorise it except for one aspect from it. How should he deal with the remainder?' So he^{asws} signed: 'The remaining aspect, he should make it among the righteous (causes)'.⁵⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ مَهْزِيَارٍ عَنْ بَعْضِ أَصْحَابِنَا قَالَ كَتَبْتُ إِلَى أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) أَنِّي وَقَفْتُ أَرْضاً عَلَى وُلْدِي وَفِي حَجٍّ وَوَجْوهٍ بَرٍّ وَ لَكَ فِيهِ حَقٌّ بَعْدِي أَوْ لِمَنْ بَعْدَكَ وَ قَدْ أَرَلْتُهَا عَنْ ذَلِكَ الْمَجْرَى فَقَالَ (عَلَيْهِ السَّلَام) أَنْتَ فِي حَلٍّ وَ مُوسَعٌ لَكَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Mahiyar, from one of our companions who said,

⁵³ Al Kafi – V 7 – The Book of Bequests Ch 37 H 4

⁵⁴ Al Kafi – V 7 – The Book of Bequests Ch 37 H 5

⁵⁵ Al Kafi – V 7 – The Book of Bequests Ch 37 H 6

⁵⁶ Al Kafi – V 7 – The Book of Bequests Ch 37 H 7

'I wrote to Abu Al-Hassan^{asws}, 'I dedicated a land upon my children, and regarding Hajj, and aspects of righteousness (saying), 'For you therein is a right, or for the one who is after you', and I removed it from that flow'. So he^{asws} said: 'You are in a permissible (state), and it is extended for you'.⁵⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ عَيْسَى بْنِ عَبْدِ عَن جَعْفَرِ بْنِ عَيْسَى قَالَ كَتَبْتُ إِلَى أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) أَسْأَلُهُ فِي رَجُلٍ أَوْصَى بِبَعْضِ ثُلُثِهِ مِنْ بَعْدِ مَوْتِهِ مِنْ غَلَّةٍ ضَيِّعَةٍ لَهُ إِلَى وَصِيِّهِ يَضَعُ نِصْفَهُ فِي مَوَاضِعَ سَمَّاهَا لَهُ مَعْلُومَةٍ فِي كُلِّ سَنَةٍ وَالْبَاقِي مِنَ الثُّلُثِ يَعْمَلُ فِيهِ بِمَا شَاءَ وَرَأَى الْوَصِيُّ فَأَنْفَذَ الْوَصِيُّ مَا أَوْصَى إِلَيْهِ مِنَ الْمُسَمَّى الْمَعْلُومِ وَقَالَ فِي الْبَاقِي قَدْ صَيَّرْتُ لِفُلَانٍ كَذَا وَ لِفُلَانٍ كَذَا وَ لِفُلَانٍ كَذَا فِي كُلِّ سَنَةٍ وَ فِي الْحَجِّ كَذَا وَ كَذَا وَ فِي الصَّدَقَةِ كَذَا فِي كُلِّ سَنَةٍ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Isa Bin Ubeyd, from Ja'far Bin Isa who said,

'I wrote to Abu Al-Hassan^{asws} asking him regarding a man who bequeathed with some of his one-third from after his death, from a yield placed for him, to an executor to place half of it in known places he had mentioned to him during every year, and the remained from the one-third he can act regarding it with whatever he so desires and the executor agrees with it.

So the executor enforced what had been bequeathed to him from the known named, and said regarding the remainder, 'I have rendered for so and so such and such (amount), and for so and so such and such (amount), in every year, and regarding the Hajj, such and such (amount), and regarding the charity such and such (amount) during every year.

ثُمَّ بَدَأَ لَهُ فِي كُلِّ ذَلِكَ فَقَالَ قَدْ شِئْتُ الْأَوَّلَ وَ رَأَيْتُ خِلَافَ مَشِيئَتِي الْأُولَى وَ رَأَيْتُ أَنَّهُ أَنْ يَرْجَعَ فِيهَا وَ يُصَيِّرَ مَا صَيَّرَ لِغَيْرِهِمْ أَوْ يَنْقُصَهُمْ أَوْ يَدْخُلَ مَعَهُمْ غَيْرُهُمْ إِنْ أَرَادَ ذَلِكَ فَكَتَبَ (عَلَيْهِ السَّلَام) لَهُ أَنْ يَفْعَلَ مَا شَاءَ إِلَّا أَنْ يَكُونَ كَتَبَ كِتَابًا عَلَى نَفْسِهِ .

Then he changed with regards to all of that', so he said, 'I have decided that the first of what I view as being opposite of my first desires and views'. Is it for him that he retracts with regards to it, and give what he gives to others, or reduces them, or includes other along with them, if he so wants that?' So he^{asws} wrote: 'It is for him that he does whatever he so desires to, except if there happens to be a written agreement upon himself'.⁵⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ [بْنِ إِبْرَاهِيمَ] بْنِ مُحَمَّدِ بْنِ الْهَمْدَانِيِّ قَالَ كَتَبْتُ مُحَمَّدُ بْنُ يَحْيَى هَلْ لِلْوَصِيِّ أَنْ يَشْتَرِيَ شَيْئًا مِنْ مَالِ الْمَيِّتِ إِذَا بَاعَ فِيمَنْ زَادَ فَيَزِيدُ وَ يَأْخُذُ لِنَفْسِهِ فَقَالَ يَجُوزُ إِذَا اشْتَرَى صَاحِبًا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Ibrahim Bin Muhammad Al Hamdany who said, 'Muhammad Bin Yahya wrote,

'Is it for the executor that he buys something from the wealth of the deceased if he were to buy it as the highest price (bidder), and takes it for himself?' So he^{asws} said: 'He is allowed when he buys it in undamaged (condition)'.⁵⁹

⁵⁷ Al Kafi – V 7 – The Book of Bequests Ch 37 H 8

⁵⁸ Al Kafi – V 7 – The Book of Bequests Ch 37 H 9

⁵⁹ Al Kafi – V 7 – The Book of Bequests Ch 37 H 10

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ أَبِي عَلِيٍّ بْنِ رَاشِدٍ عَنْ صَاحِبِ الْعَسْكَرِ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ جُعِلْتُ فِدَاكَ نُؤْتِي بِالشَّيْءِ فَيَقَالُ هَذَا مَا كَانَ لِأَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عِنْدَنَا فَكَيْفَ تَصْنَعُ فَقَالَ مَا كَانَ لِأَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) بِسَبَبِ الْإِمَامَةِ فَهُوَ لِي وَ مَا كَانَ غَيْرَ ذَلِكَ فَهُوَ مِيرَاثٌ عَلَى كِتَابِ اللَّهِ وَ سُنَّةِ نَبِيِّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) .

Muhammad Bin Yahya, from Muhammad Bin Ahmad, from Muhammad Bin Isa, from Abu Ali Bin Rashid,

(It has been narrated) from Sahib Al-Askar^{asws}, 'I said to him^{asws}, 'May I be sacrificed for you^{asws}! We are brought something, so it is said, 'This is what was for Abu Ja'far^{asws} with us'. So how should we deal (with it)?' So he^{asws} said: 'Whatever was for Abu Ja'far^{asws} by the cause of the Imamate, so it is for me^{asws}, and whatever was other than that, so it is an inheritance upon the Book of Allah^{azwj} and Sunnah of His^{azwj} Prophet^{saww}, 60

عَنْهُ عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنِ الْحُسَيْنِ بْنِ مَالِكٍ قَالَ كَتَبْتُ إِلَيْهِ رَجُلٌ مَاتَ وَ جَعَلَ كُلَّ شَيْءٍ لَهُ فِي حَيَاتِهِ لَكَ وَ لَمْ يَكُنْ لَهُ وَ لَدَّ ثُمَّ إِنَّهُ أَصَابَ بَعْدَ ذَلِكَ وَ لَدَا وَ مَبْلَغُ مَالِهِ ثَلَاثَةُ آلَافٍ دِرْهَمٍ وَ قَدْ بَعَثْتُ إِلَيْكَ بِالْفِ دِرْهَمٍ فَإِنْ رَأَيْتَ جَعَلَنِي اللَّهُ فِدَاكَ أَنْ تُعْلِمَنِي فِيهِ رَأْيَكَ لِأَعْمَلٍ بِهِ فَكَتَبَ بِهِ أَطْلُقْ لَهُمْ .

From him, from Muhammad Bin Ahmad, from Al Husayn, from Maalik who said,

'I wrote to him^{asws}, 'A man died and made everything of his during his lifetime, to be for you^{asws}, and there was no child for him. Then a child was born (after his death) and his wealth had reached three thousand Dirham, and I had sent to you a thousand Dirhams. May I be sacrificed for you^{asws}, So if you^{asws} could let me know your^{asws} view with regards to it, so that I can act upon it'. So he^{asws} wrote: 'I^{asws} leave it for them'.⁶¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ جَعْفَرٍ عَنِ الْحُسَيْنِ بْنِ مَالِكٍ قَالَ كَتَبْتُ إِلَى أَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ) إِعْلَمْ يَا سَيِّدِي أَنَّ ابْنَ أَخٍ لِي نُؤْفِي فَأَوْصَى لِسَيِّدِي بِضَيْعَةٍ وَ أَوْصَى أَنْ يُدْفَعَ كُلُّ شَيْءٍ فِي دَارِهِ حَتَّى الْأَوْتَادُ تُبَاعَ وَ يُجْعَلَ التَّمَنُّ إِلَى سَيِّدِي وَ أَوْصَى بِحَجٍّ وَ أَوْصَى لِلْفُقَرَاءِ مِنْ أَهْلِ بَيْتِهِ وَ أَوْصَى لِعَمَّتِهِ وَ أُخْتِهِ بِمَالٍ فَنَظَرْتُ فَإِذَا مَا أَوْصَى بِهِ أَكْثَرُ مِنَ الثَّلَاثِ وَ لَعَلَّهُ يُقَارِبُ النِّصْفَ مِمَّا تَرَكَ وَ خَلَفَ ابْنًا لَهُ ثَلَاثَ سِنِينَ وَ تَرَكَ دَيْنًا قَرَأِي سَيِّدِي فَوَقَّعَ (عَلَيْهِ السَّلَامُ) يُقْتَصَرُ مِنْ وَصِيَّتِهِ عَلَى الثَّلَاثِ مِنْ مَالِهِ وَ يُقَسَّمُ ذَلِكَ بَيْنَ مَنْ أَوْصَى لَهُ عَلَى قَدْرِ سَهْمِهِمْ إِنْ شَاءَ اللَّهُ .

Muhammad Bin Yahya, fromo Abdullah Bin Ja'far, from Al Husayn Bin Maalik who said,

'I wrote to Abu Al-Hassan^{asws}, 'Know, my Master^{asws}, that the son of a brother of mine dies, so he bequeathed to my Master with a place, and bequeathed that everything in his house should be handed over, even the pegs to be sold, and the price be made to my Master^{asws}, and bequeathed with a Hajj, and bequeathed for the poor from his family, and bequeathed for his mother and his sister with wealth. So I looked, so that which he had bequeathed with was more than the third, and perhaps it was near to the half from what he had left (legacy), and he left behind a son of his of three years old, and left debts. So give me your^{asws} view, of my Master^{asws}'. So he^{asws} signed: 'Reduce his bequest to be upon the third from his wealth, and distribute that between the ones he bequeathed for upon the measurement of their share, Allah^{azwj} Willing'.⁶²

⁶⁰ Al Kafi – V 7 – The Book of Bequests Ch 37 H 11

⁶¹ Al Kafi – V 7 – The Book of Bequests Ch 37 H 12

⁶² Al Kafi – V 7 – The Book of Bequests Ch 37 H 13

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَيْسَى عَنْ سَعْدِ بْنِ إِسْمَاعِيلَ عَنْ أَبِيهِ قَالَ سَأَلْتُ الرَّضَا (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ حَضَرَهُ الْمَوْتُ فَأَوْصَى إِلَى ابْنِهِ وَ أَخَوَيْنِ شَهِدَ الْإِثْنِ وَصِيَّتُهُ وَ غَابَ الْأَخَوَانِ فَلَمَّا كَانَ بَعْدَ أَيَّامٍ أَتَيْتَا أَنْ يَقْبَلَا الْوَصِيَّةَ مَخَافَةً أَنْ يَتَوَلَّبَ عَلَيْهِمَا ابْنُهُ وَ لَمْ يَقْدِرَا أَنْ يَعْمَلَا بِمَا يَنْبَغِي فَضَمِنَ لَهُمَا ابْنُ عَمِّ لَهُمَا وَ هُوَ مُطَاعٌ فِيهِمْ أَنْ يَكْفِيَهُمَا ابْنُهُ

A number of our companions, from Ahmad Bin Muhammad Bin Isa, from Sa'd Bin Ismail, from his father who said,

'I asked Al-Reza^{asws} about a man to whom death presented itself, so he bequeathed to his son and two brothers of his. The son witnessed his bequest and the two brothers were absent. So when it was after a few days they both refused to accept the executorships in fear that his son would pounce upon the two of them and they would not be able to act with what is befitting. So a cousin of theirs guaranteed to them both, and that he would be obedient among them, and that he would suffice for the two of them from his son.

فَدَخَلَ بِهَذَا الشَّرْطِ فَلَمْ يَكْفِيَهُمَا ابْنُهُ وَ قَدْ اشْتَرَطَا عَلَيْهِ ابْنُهُ وَ قَالَ نَحْنُ نَبْرَأُ مِنَ الْوَصِيَّةِ وَ نَحْنُ فِي حِلٍّ مِنْ تَرْكِ جَمِيعِ الْأَشْيَاءِ وَ الْخُرُوجِ مِنْهُ أَوْ يَسْتَقِيمُ أَنْ يُخَلِّيَا عَمَّا فِي أَيْدِيهِمَا وَ يَخْرُجَا مِنْهُ

So they both entered into it with this condition, but his son did not refrain from the two of them, and it had been stipulated upon his son, and they both said, 'We are free from the executorships, and we are to be excused from neglecting the entirety of the things and the exiting from it'. Is it correct for both of them that they absolve (excuse) themselves from what was in their hands and come out from it?'

قَالَ هُوَ لَا زِمَ لَكَ فَارْفُقْ عَلَى أَيِّ الْوُجُوهِ كَانَ فَإِنَّكَ مَأْجُورٌ لَعَلَّ ذَلِكَ يَحِلُّ بِابْنِهِ .

He^{asws} said: 'It is necessary for you to join upon whichever aspect it was, for you would be recompensed, perhaps that would resolve (the matters) with his son'.⁶³

الْحُسَيْنُ بْنُ مُحَمَّدٍ الْأَشْعَرِيُّ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ الْوَشَاءِ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ وَصِيِّ عَلِيِّ بْنِ السَّرِيِّ قَالَ قُلْتُ لِأَبِي الْحَسَنِ مُوسَى (عَلَيْهِ السَّلَام) إِنَّ عَلِيَّ بْنَ السَّرِيِّ تُوْفِيَ فَأَوْصَى إِلَيَّ فَقَالَ رَحِمَهُ اللَّهُ قُلْتُ وَ إِنَّ ابْنَهُ جَعْفَرَ بْنَ عَلِيٍّ وَ قَعَّ عَلَى أُمَّ وَ لِدٍ لَهُ فَأَمَرَنِي أَنْ أَخْرِجَهُ مِنَ الْمِيرَاثِ قَالَ فَقَالَ لِي أَخْرِجْهُ مِنَ الْمِيرَاثِ وَ إِنَّ كُنْتُ صَادِقًا فَسُيُصِيبُهُ خَبَلٌ

Al Husayn Bin Muhammad Al Ashary, from Moala Bin Muhammad, from Al Hassan Bin Ali Al Washa and Muhammad Bin Yahya, from and executor Ali Bin Al Sary who said,

'I said to Abu Al-Hassan Musa^{asws} that Ali Bin Al-Sary died, so he bequeathed to me'. So he^{asws} said: 'May Allah^{azwj} have Mercy upon him'. I said, 'And (the responsibility of) his son Ja'far Bin Ali fell upon his mother. So he ordered me that I should take him out from the inheritance'. So he^{asws} said to me: 'Take him out from the inheritance, and if what you said was true, so he would be hit by insanity'.

قَالَ فَرَجَعْتُ فَقَدَّمَنِي إِلَى أَبِي يُوسُفَ الْقَاضِي فَقَالَ لَهُ أَصْلَحَكَ اللَّهُ أَنَا جَعْفَرُ بْنُ عَلِيٍّ بْنِ السَّرِيِّ وَ هَذَا وَصِيُّ أَبِي فَمَرُهُ فَلْيُدْفَعْ إِلَيَّ مِيرَاثِي مِنْ أَبِي فَقَالَ أَبُو يُوسُفَ الْقَاضِي لِي مَا تَقُولُ فَقُلْتُ لَهُ نَعَمْ هَذَا جَعْفَرُ بْنُ عَلِيٍّ بْنِ السَّرِيِّ وَ أَنَا وَصِيُّ عَلِيٍّ بْنِ السَّرِيِّ قَالَ فَادْفَعْ إِلَيْهِ مَالَهُ فَقُلْتُ أُرِيدُ أَنْ أَكَلِّمَكَ قَالَ فَادْنُ إِلَيَّ فَدَنَوْتُ حَيْثُ لَا يَسْمَعُ أَحَدٌ كَلَامِي فَقُلْتُ لَهُ هَذَا وَقَعَّ عَلَى أُمَّ وَ لِدٍ لِأَبِيهِ فَأَمَرَنِي أَبُوهُ وَ أَوْصَى إِلَيَّ أَنْ أَخْرِجَهُ مِنَ الْمِيرَاثِ وَ لَا أَوْرَثَهُ شَيْئًا فَأَنْبَتُ مُوسَى بْنَ جَعْفَرَ (عَلَيْهِ السَّلَام) بِالْمَدِينَةِ فَأَخْبَرْتُهُ وَ سَأَلْتُهُ فَأَمَرَنِي أَنْ أَخْرِجَهُ مِنَ الْمِيرَاثِ وَ لَا أَوْرَثَهُ شَيْئًا فَقَالَ اللَّهُ إِنَّ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَام) أَمَرَكَ قَالَ قُلْتُ نَعَمْ قَالَ فَاسْتَحْلَفَنِي ثَلَاثًا ثُمَّ قَالَ لِي أَنْفِذْ مَا أَمَرَكَ بِهِ أَبُو الْحَسَنِ (عَلَيْهِ السَّلَام) فَالْقَوْلُ قَوْلُهُ

⁶³ Al Kafi – V 7 – The Book of Bequests Ch 37 H 14

He (the narrator) said, 'So I returned, and he took me to Abu Yusuf, the judge. So he said to him, 'May Allah^{azwj} Keep you well! I am Ja'far Bin Ali Bin Al-Sary, and this is the executor of my father, therefore order him to hand over to me my inheritance from my father'. So Abu Yusuf the Judge said to me, 'What are you saying?' So I said to him, 'Yes, this is Ja'far Bin Ali Bin Al-Sary, and I am an executor of Ali Bin Al-Sary'. He said, 'So hand over to him, his wealth'. So I said, 'I want to speak with you'. He said, 'So approach me'. So I approached where no one could hear my speech, so I said to him, 'This one (his responsibility) has fallen upon the mother who gave birth for his father, so his father ordered me and bequeathed to me that I should take him out from the inheritance, and not let him inherit anything. So I went over to Musa^{asws} Bin Ja'far^{asws} at Al-Medina, so I informed him^{asws} and asked him, so he^{asws} ordered me that I should take him out from the inheritance, and not to let him inherit anything'. So he said, '(By) Allah^{azwj}, Abu Al-Hassan^{asws} ordered you?' I said, 'Yes'. So he made me swear an oath three times, then said to me, 'Enforce what Abu Al-Hassan^{asws} ordered you with, so the (true) words are his^{asws} words'.

قَالَ الْوَصِيُّ فَأَصَابَهُ الْخَبَلُ بَعْدَ ذَلِكَ قَالَ أَبُو مُحَمَّدٍ الْحَسَنُ بْنُ عَلِيٍّ الْوَشَاءُ فَرَأَيْتُهُ بَعْدَ ذَلِكَ وَ قَدْ أَصَابَهُ الْخَبَلُ.

The executor said, 'So the insanity hit him after that. Abu Muhammad Al-Hassan Bin Ali Al-Washa said, 'So I saw him after that, and the insanity had indeed hit him'.⁶⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ عَنْ خَالِدِ بْنِ بُكَيْرٍ الطَّوِيلِ قَالَ دَعَانِي أَبِي حِينَ حَضَرْتُهُ الْوَفَاةَ فَقَالَ يَا بُنَيَّ أَفَبِضْنِ مَالِ إِخْوَتِكَ الصَّغَارِ فَاغْمَلْ بِهِ وَ خُذْ نِصْفَ الرَّبْحِ وَ أَعْطِهِمُ النِّصْفَ وَ لَيْسَ عَلَيْكَ ضَمَانٌ

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Abdul Rahman Bin Al Hajjaj, from Khalid Bin Bakeyr al Taweel who said,

'My father called over when the death presented itself to him, so he said, 'O my son! Take hold of the wealth of your younger brothers, so do some business with it and take half the profits (for yourself) and give them the (other) half. And the guaranteeing is not upon you'.

فَقَدَّمْتَنِي أُمُّ وَلَدٍ لِأَبِي بَعْدَ وَفَاةِ أَبِي إِلَى ابْنِ أَبِي لَيْلَى فَقَالَتْ لَهُ إِنَّ هَذَا يَأْكُلُ أَمْوَالَ وَلَدِي قَالَ فَقَصَصْتُ عَلَيْهِ مَا أَمَرَنِي بِهِ أَبِي فَقَالَ ابْنُ أَبِي لَيْلَى إِنَّ كَانَ أَبُوكَ بِالْبَاطِلِ لَمْ أَجْزِهِ ثُمَّ أَشْهَدُ عَلَيَّ ابْنُ أَبِي لَيْلَى إِنَّ أَنَا حَرَكْتُهُ فَأَنَا لَهُ ضَامِنٌ

So the mother who gave birth for his father, after the death of my father, took me to Ibn Abu Layli, so she said to him, 'This one is eating the wealth of my son'. So I related the story of what I had been ordered with by my father. So Ibn Abu Layli said, 'If the father has ordered you with the falsehood, I would not allow it'. Then Ibn Abu Layli established a witness upon me that if I were to move it, so I would be held responsible for it'.

فَدَخَلْتُ عَلَى أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) بَعْدُ فَقَصَصْتُ عَلَيْهِ قِصَّتِي ثُمَّ قُلْتُ لَهُ مَا تَرَى فَقَالَ أَمَا قَوْلُ ابْنِ أَبِي لَيْلَى فَلَا أَسْتَطِيعُ رَدَّهُ وَ أَمَا فِيمَا بَيْنَكَ وَ بَيْنَ اللَّهِ عَزَّ وَ جَلَّ فَلَيْسَ عَلَيْكَ ضَمَانٌ .

So I came up to Abu Abdullah^{asws} afterwards, so I related to him^{asws} my story, then I said to him^{asws}, 'What do you^{asws} see?' So he^{asws} said: 'As for the words of Ibn Abu

⁶⁴ Al Kafi – V 7 – The Book of Bequests Ch 37 H 15

layli, so I have no leeway of rejecting it, and as for what is in between you and Allah^{azwj} Mighty and Majestic, so there is no responsibility upon you'.⁶⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَمَّارِ بْنِ مَرْوَانَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) إِنَّ أَبِي حَضَرَهُ الْمَوْتُ فَقِيلَ لَهُ أَوْصِ فَقَالَ هَذَا ابْنِي يَعْنِي عُمَرَ فَمَا صَنَعَ فَهُوَ جَائِزٌ فَقَالَ لَهُ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فَقَدْ أَوْصَى أَبُوكَ وَ أَوْجِرَ قُلْتُ فَإِنَّهُ أَمْرٌ لَكَ بِكَذَا وَ كَذَا فَقَالَ أَجْرُهُ قُلْتُ وَ أَوْصَى بِنَسَمَةٍ مُؤْمِنَةٍ عَارِفَةٍ فَلَمَّا أَعْتَقْنَاهُ بَانَ لَنَا أَنَّهُ لَيْعِبِرٍ رَشْدَةٍ فَقَالَ قَدْ أَجْرَأْتُ عَنْهُ إِنَّمَا مِثْلُ ذَلِكَ مِثْلُ رَجُلٍ اشْتَرَى أَضْحِيَّةً عَلَى أَنَّهَا سَمِيئَةٌ فَوَجَدَهَا مَهْرُولَةً فَقَدْ أَجْرَأْتُ عَنْهُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Ammar Bin Marwan who said,

'I said to Abu Abdullah^{asws}, 'Death presented itself to my father, so it was said to him, 'Bequeath'. So he said, 'This is my son' – meaning Umar – 'so whatever he does, so he is allowed to do so'. So Abu Abdullah^{asws} said to him: 'Your father had bequeathed and it is allowed'. I said to him, 'So he had ordered to you with such and such'. So he^{asws} said: 'Allowed'. I said, 'And he bequeathed with (the emancipation) of the believing understanding slave-girl, so when I emancipated her it became clear to us that she had yet to come of age'. So he^{asws} said, 'It is allowed. But rather, the example of that is like the example of a man who buys a sacrificial animal upon the (understanding) that it is fat, so he finds it as thin. So it counts for him (allowed)'.⁶⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ صَلَوَاتُ اللَّهِ عَلَيْهِ مَنْ أَوْصَى وَ لَمْ يَجِفْ وَ لَمْ يُضَارَّ كَانَ كَمَنْ تَصَدَّقَ بِهِ فِي حَيَاتِهِ .

Ali Bin Ibrahim, from his father, from Al Nowfaly, from Al Sakuny,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} said: 'The one who bequeaths and is not unfair, and does not harm (anyone), would be like the one who gives in charity with it during his lifetime'.⁶⁷

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَسَنِ عَنِ الْحَسَنِ بْنِ عَلِيٍّ بْنِ يُوسُفَ عَنْ مُتَنِّي بْنِ الْوَلِيدِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ سُئِلَ عَنْ رَجُلٍ أَوْصَى إِلَى رَجُلٍ بَوْلَدِهِ وَ بِمَالٍ لَهُمْ وَ أَدْنَى لَهُ عِنْدَ الْوَصِيَّةِ أَنْ يَعْمَلَ بِالْمَالِ وَ أَنْ يَكُونَ الرَّبْحُ فِيمَا بَيْنَهُمْ فَقَالَ لَا بَأْسَ بِهِ مِنْ أَجْلِ أَنْ أَبَاهُ قَدْ أَدْنَى لَهُ فِي ذَلِكَ وَ هُوَ حَيٌّ .

Ahmad Bin Muhammad, from Ali Bin Al Hassan Bin Ali Bin Yusuf, from Masny Bin Al Waleed, from Muhammad Bin Muslim,

(It has been narrated) from Abu Abdullah^{asws} having been asked about a man who bequeathed to a man about his children and his wealth for him, and permitted it for him in the bequest that he can do some business with the wealth, and if there happens to be profit, it would be between him and them'. So he^{asws} said: 'No problem with it, due to the reason that his father had permitted him with regards to that and he was alive (at the time)'.⁶⁸

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ صَالِحِ بْنِ رَزِينَ عَنِ ابْنِ أَشِيمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) فِي عِنْدَ لِقَوْمٍ مَأْدُونٍ لَهُ فِي التَّجَارَةِ دَفَعَ إِلَيْهِ رَجُلٌ أَلْفَ دِرْهَمٍ فَقَالَ لَهُ اشْتَرِ مِنْهَا نَسَمَةً وَ أَعْتَقَهَا عَنِّي وَ حَجَّ عَنِّي بِالْبَاقِي ثُمَّ مَاتَ صَاحِبُ الْأَلْفِ دِرْهَمٍ فَأَنْطَلَقَ الْعَبْدُ فَاشْتَرَى أَبَاهُ فَأَعْتَقَهُ عَنِ الْمَيْتِ وَ دَفَعَ إِلَيْهِ الْبَاقِي فِي الْحَجِّ عَنِ الْمَيْتِ فَحَجَّ عَنْهُ

⁶⁵ Al Kafi – V 7 – The Book of Bequests Ch 37 H 16

⁶⁶ Al Kafi – V 7 – The Book of Bequests Ch 37 H 17

⁶⁷ Al Kafi – V 7 – The Book of Bequests Ch 37 H 18

⁶⁸ Al Kafi – V 7 – The Book of Bequests Ch 37 H 19

Muhammad Bin Yahy, from Ahmad Bin Muhammad, from Al Hassan Bin Mahboub, from Salih Bin Razeyn, from Ibn Aheyam,

(It has been narrated) from Abu Ja'far^{asws} regarding a slave of a people, permitted for him with regards to the business, a man having handed over a thousand Dirhams to him. So he said to him (the slave), 'Buy a person from it and emancipate (liberate) him on my behalf, and perform Hajj on my behalf with the remainder'. Then the owner of the thousand Dirhams died. So the slave went and bought his own father and emancipated him on behalf of the deceased, and handed over to him the remainder of the money regarding the Hajj on behalf of the deceased. So he performed Hajj on his behalf.

فَبَلَغَ ذَلِكَ مَوْلَى أَبِيهِ وَ مَوْلَاهُ وَ وَرَثَةَ الْمَيْتِ فَاخْتَصَمُوا جَمِيعاً فِي الْأَلْفِ دِرْهَمٍ فَقَالَ مَوْلَى الْمُعْتَقِ إِنَّمَا اشْتَرَيْتَ أَبَاكَ بِمَالِنَا وَ قَالَ الْوَرَثَةُ اشْتَرَيْتَ أَبَاكَ بِمَالِنَا وَ قَالَ مَوْلَى الْعَبْدِ إِنَّمَا اشْتَرَيْتَ أَبَاكَ بِمَالِنَا

So (news of) that reached the master of his father, and his own master, and the inheritors of the deceased. So they disputed altogether with regards to the one thousand Dirhams. So the master of the emancipated (father) said, 'But rather, you bought your own father with our wealth'. And the inheritors said, 'You bought your own father with our wealth'. And the masters of the slave (father) said, 'But rather you bought your own father with our wealth'.

فَقَالَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَامُ) أَمَّا الْحَجَّةُ فَقَدْ مَضَتْ بِمَا فِيهَا لَا تُرَدُّ وَ أَمَّا الْمُعْتَقُ فَهُوَ رَدٌّ فِي الرَّقِّ لِمَوْلَى أَبِيهِ وَ أَيُّ الْفَرِيقَيْنِ أَقَامَ الْبَيِّنَةَ أَنَّ الْعَبْدَ اشْتَرَى أَبَاهُ مِنْ أَمْوَالِهِمْ كَانَ لَهُمْ رِقاً .

So Abu Ja'far^{asws} said: 'As for the Hajj, so it has passed (done) with what was therein, it will not be returned, and as for the emancipated one (father), so it would be returned with regards to the rein (slavery) to the master of his father, and whichever group established the evidence that the slave bought his father from their wealth, his (father's) slavery would be for them'.⁶⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ أَبِي نَجْرَانَ أَوْ غَيْرِهِ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ رَجُلٌ أَوْصَى لِرَجُلٍ بِوَصِيَّةٍ فِي مَالِهِ ثُلُثٌ أَوْ رُبْعٌ فَقِيلَ لِلرَّجُلِ خَطَأً يُعْنِي الْمَوْصِيَّ فَقَالَ يُحَازُ لِهَذِهِ الْوَصِيَّةِ مِنْ مِيرَاثِهِ وَ مِنْ دَيْتِهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Abu Najran or someone else, from Aasim Bin Humyd, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja'far^{asws}, 'I said to him^{asws}, 'A man bequeathed to a man with a bequest with regards to his wealth, a third or a quarter. The man was killed in error, meaning the testator'. So he^{asws} said: 'Hold on for this bequest from his inheritance and from his wergild (blood money compensation)'.⁷⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَيْسَى عَنْ مُحَمَّدِ بْنِ يَحْيَى قَالَ حَدَّثَنِي مُعَاوِيَةُ بْنُ عَمَّارٍ قَالَ مَاتَتْ أُخْتُ مَفْضَلِ بْنِ غِيَاثٍ فَأَوْصَتْ بِشَيْءٍ مِنْ مَالِهَا الثُّلُثُ فِي سَبِيلِ اللَّهِ وَ الثُّلُثُ فِي الْمَسَاكِينِ وَ الثُّلُثُ فِي الْحَجِّ فَإِذَا هُوَ لَا يَبْلُغُ مَا قَالَتْ فَذَهَبَتْ أَنَا وَ هُوَ إِلَى ابْنِ أَبِي لَيْلَى فَقَصَّ عَلَيْهِ الْقِصَّةَ فَقَالَ اجْعَلْ ثُلُثاً فِي ذَا وَ ثُلُثاً فِي ذَا وَ ثُلُثاً فِي ذَا فَاتَيْنَا ابْنَ شَبْرَمَةَ فَقَالَ أَيْضاً كَمَا قَالَ ابْنُ أَبِي لَيْلَى فَاتَيْنَا أَبَا حَنِيفَةَ فَقَالَ كَمَا قَالَ

⁶⁹ Al Kafi – V 7 – The Book of Bequests Ch 37 H 20

⁷⁰ Al Kafi – V 7 – The Book of Bequests Ch 37 H 21

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Muhammad Bin Yahya, from Muawiya Bin Ammar who said,

'A sister of Mufazzal Bin Gayas died, so she bequeathed with something from her wealth, the one-third to be in the Way of Allah^{azwj}, and the one-third to be among the poor, and the one-third to be regarding the Hajj. So this (legacy) did not reach (the required amount) what she said. So I and him went over to Ibn Abu Layli and related to him the story. So he said, 'Make a one-third to be regarding that, and a one-third regarding that, and a one-third regarding that'. So we went to Ibn Shabrama, so he as well said what Ibn Abu Layli had said. So we went to Abu Haneefa, so he said as what they both had said.

فَخَرَجْنَا إِلَى مَكَّةَ فَقَالَ لِي سَلْ أَبَا عَبْدِ اللَّهِ وَ لَمْ تَكُنْ حَجَّتِ الْمَرْأَةُ فَسَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فَقَالَ لِي ائْتِدْ بِالْحَجِّ فَإِنَّهُ فَرِيضَةٌ مِنَ اللَّهِ عَلَيْهَا وَ مَا بَقِيَ فَأَجْعَلْ بَعْضًا فِي ذَا وَ بَعْضًا فِي ذَا

So we went to Mecca, so he said to me, Ask Abu Abdullah^{asws}, and she had not performed Hajj or the Umra. So I asked Abu Abdullah^{asws}, so he^{asws} said to me: 'Begin with the Hajj, for it is an Obligation from Allah^{azwj} upon her, and whatever remains, so make part of it with regards to that, and part of it with regards to that'.

قَالَ فَتَقَدَّمْتُ فَدَخَلْتُ الْمَسْجِدَ فَاسْتَفْتَيْتُ أَبَا حَنِيفَةَ وَ قُلْتُ لَهُ سَأَلْتُ جَعْفَرَ بْنَ مُحَمَّدٍ عَنِ الَّذِي سَأَلْتُكَ عَنْهُ فَقَالَ لِي ائْتِدْ بِحَقِّ اللَّهِ أَوَّلًا فَإِنَّهُ فَرِيضَةٌ عَلَيْهَا وَ مَا بَقِيَ فَأَجْعَلْهُ بَعْضًا فِي ذَا وَ بَعْضًا فِي ذَا فَوَ اللَّهُ مَا قَالَ لِي خَيْرًا وَ لَا شَرًّا وَ جِئْتُ إِلَى حَلْقَتِهِ وَ قَدْ طَرَحُوهَا وَ قَالُوا قَالَ أَبُو حَنِيفَةَ ائْتِدْ بِالْحَجِّ فَإِنَّهُ فَرِيضَةٌ مِنَ اللَّهِ عَلَيْهَا

He (the narrator) said, 'So I proceeded and entered the Masjid, so I faced Abu Haneefa, and I said to him, 'I asked Ja'far^{asws} Bin Muhammad^{asws} about that which I asked about from you, so he^{asws} said to me, 'Begin with the Right of Allah^{azwj} first, for it is an Obligation upon her, and whatever remains, so make part of regarding that, and part of it regarding that'. By Allah^{azwj}, he neither said good to me nor bad. And I went over to his circle and they were propounding (putting forward) it, and they said, 'Abu Haneefa said, 'Begin with the Hajj for it is an Obligation from Allah^{azwj} upon her'.

قَالَ قُلْتُ هُوَ بِاللَّهِ كَانَ كَذَا وَ كَذَا فَقَالُوا هُوَ أَخْبَرَنَا هَذَا.

He (the narrator) said, 'I said, 'By Allah^{azwj}! It was such and such (anyway)'. So they said, 'He (Abu Haneefa) informed us of this'.⁷¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ عِيسَى عَنْ سَعْدِ بْنِ إِسْمَاعِيلَ بْنِ الْأَحْوَصِ عَنْ أَبِيهِ قَالَ سَأَلْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ مُسَافِرٍ حَضَرَهُ الْمَوْتُ فَدَفَعَ مَالَهُ إِلَى رَجُلٍ مِنَ التَّجَارِ فَقَالَ إِنَّ هَذَا الْمَالَ لِفُلَانِ بْنِ فُلَانٍ لَيْسَ لِي فِيهِ قَلِيلٌ وَ لَا كَثِيرٌ فَادْفَعْهُ إِلَيْهِ يَضَعُهُ حَيْثُ يَشَاءُ فَمَاتَ وَ لَمْ يَأْمُرْ صَاحِبَهُ الَّذِي جَعَلَ لَهُ بِأَمْرٍ وَ لَا يَدْرِي صَاحِبُهُ مَا الَّذِي حَمَلَهُ عَلَى ذَلِكَ كَيْفَ يَصْنَعُ بِهِ قَالَ يَضَعُهُ حَيْثُ يَشَاءُ إِذَا لَمْ يَكُنْ يَأْمُرُهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Sa'ad Bin Ismail Bin Al Ahows, from his father who said,

'I asked Abu Al-Hassan^{asws} about a travelling man to whom death presented itself, so he handed his wealth over to a business man. So he (deceased) said, 'The wealth is for so and so son of so and so. There is nothing in it for me, little nor more, therefore hand it over to him. He can place it wherever he so desires to'. So the man died and

⁷¹ Al Kafi – V 7 – The Book of Bequests Ch 37 H 22

did not order his companion to whom he had made the matter to, nor did he know his companions what is that which he should be carrying upon that. How should he deal with it?' He^{asws} said: 'He places it wherever he so desires to, when there does not happen to be instructions for him'.⁷²

وَعَنْهُ عَنْ رَجُلٍ أَوْصَى إِلَى رَجُلٍ أَنْ يُعْطِيَ قَرَابَتَهُ مِنْ ضَيْعَتِهِ كَذَا وَكَذَا جَرِيباً مِنْ طَعَامٍ فَمَرَّتْ عَلَيْهِ سُنُونَ لَمْ يَكُنْ فِي ضَيْعَتِهِ فَضْلٌ بَلْ أَحْتَاَجَ إِلَى السَّلْفِ وَالْعَيْنَةَ عَلَى مَنْ أَوْصَى لَهُ مِنَ السَّلْفِ وَالْعَيْنَةَ أَمْ لَا فَإِنْ أَصَابَهُمْ بَعْدَ ذَلِكَ يُجْرَ عَلَيْهِمْ لِمَا فَاتَهُمْ مِنَ السَّنِينَ الْمَاضِيَةِ فَقَالَ كَأَنِّي لَا أَبَالِي إِنْ أَعْطَاهُمْ أَوْ أَخَذَ تَمَّ بِفَضِي .

And from him^{asws}, about a man who bequeathed to a man that he should give his relatives from his place such a such a 'Jareyb' (unit of measurement) of food. So years passed by and there was no grace in his place, but it was needy for the loans and advances upon the one who had bequeathed to him. Is it for him to borrow a loan in advance or not, so that if they profit after that so he can recompense against them due to what he had given them in the past years?' So he^{asws} said: 'I^{asws} don't mind if he gives them or takes but then pays it'.

P.s. – 'Al Aynah' is merchandise sold on credit then bought back for cash at a lower price – see Volume five, Chapter 88).⁷³

وَعَنْهُ عَنْ رَجُلٍ أَوْصَى بِوَصَالِيَا لِقَرَابَاتِهِ وَادْرَكَ الْوَارِثُ فَقَالَ لِلْوَصِيِّ أَنْ يَعْزَلَ أَرْضاً بِقَدْرِ مَا يُخْرِجُ مِنْهُ وَصَالِيَاهُ إِذَا قَسَمَ الْوَرِثَةَ وَ لَا يُدْخِلَ هَذِهِ الْأَرْضَ فِي قِسْمَتِهِمْ أَمْ كَيْفَ يَصْنَعُ فَقَالَ نَعَمْ كَذَا يَنْبَغِي .

And from him^{asws}, about a man who bequeathed with a bequest to his relatives, and the inheritor became away (attained puberty), so he said to the executor that he should isolate a piece of land of the measurement of what the bequest can be taken out from, when it is distributed to the inheritors, and this piece of land should not be included in their distribution, or how should he deal with it?' So he^{asws} said: 'Yes, such is befitting'.⁷⁴

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ عَبْدِ الْعَزِيزِ بْنِ الْمُهْتَدِيِّ عَنْ جَدِّهِ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ سَعْدِ بْنِ سَعْدٍ أَنَّهُ قَالَ سَأَلْتُهُ يَعْني أَبِي الْحَسَنِ الرَّضَا (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ كَانَ لَهُ ابْنٌ يَدْعِيهِ فَنَفَاهُ وَ أَخْرَجَهُ مِنَ الْمِيرَاثِ وَ أَنَا وَصِيُّهُ فَكَيْفَ أَصْنَعُ فَقَالَ يَعْني الرَّضَا (عَلَيْهِ السَّلَام) لَزِمَهُ الْوَلَدُ بِإِقْرَارِهِ بِالْمَشْهَدِ لَا يَدْفَعُهُ الْوَصِيُّ عَنْ شَيْءٍ قَدْ عَلِمَهُ .

Ahmad Bin Muhammad, from Abdul Aziz Bin Al Mohtady, from his grandfather, from Muhammad Bin Al Husayn, from Sa'ad Bin Sa'ad having said,

'I asked him^{asws}, meaning Al-Hassan Al-Reza^{asws} about a man who had an adopted son, so he denied him and took him out from the inheritance, and I am his executor. So how should I deal with it?' So he^{asws} said, meaning Al-Reza^{asws}: 'The child is necessitated by the acceptance of his in public. The executor cannot repel him from anything, as he is known'.⁷⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ عَبْدِ اللَّهِ بْنِ جَبَلَةَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ كَانَتْ لَهُ عِنْدِي دَنَانِيرٌ وَ كَانَ مَرِيضاً فَقَالَ لِي إِنْ حَدَّثَ بِي حَدَّثْتُ فَأَعْطِ فُلَاناً عَشْرِينَ دِينَاراً وَ أُعْطِ أَخِي بَقِيَّةَ الدَّنَانِيرِ فَمَاتَ وَ لَمْ أَشْهَدْ مَوْتَهُ فَاتَّانِي رَجُلٌ مُسْلِمٌ صَادِقٌ فَقَالَ لِي إِنَّهُ أَمَرَنِي أَنْ أَقُولَ لَكَ أَنْظِرِ الدَّنَانِيرَ الَّتِي أَمَرْتُكَ أَنْ

⁷² Al Kafi – V 7 – The Book of Bequests Ch 37 H 23

⁷³ Al Kafi – V 7 – The Book of Bequests Ch 37 H 24

⁷⁴ Al Kafi – V 7 – The Book of Bequests Ch 37 H 25

⁷⁵ Al Kafi – V 7 – The Book of Bequests Ch 37 H 26

تَدَفَعَهَا إِلَى أَخِي فَتَصَدَّقْ مِنْهَا بِعَشْرَةِ دَنَائِيرَ أَقْسَمَهَا فِي الْمُسْلِمِينَ وَ لَمْ يَعْلَمْ أَخُوهُ أَنَّ لَهُ عِنْدِي شَيْئاً فَقَالَ أَرَى أَنْ تَصَدَّقَ مِنْهَا بِعَشْرَةِ دَنَائِيرَ كَمَا قَالَ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Abdullah Bin Jabala, from Is'haq Bin Ammar,

(The narrator says): I asked from Abu Abdullah^{asws} about a man who had some of his Dinars with me, and he was ill. So he said to me, 'If there befalls with me what befalls (death), so give so and so twenty Dinars, and give my brother the remainder of the Dinars.

So he died but I was not present when he died. So a truthful Muslim man came to me, so he said to me, 'He ordered me that I should say to you, 'Hold the Dinars which I had ordered you to hand these over to my brother, so give in charity from it with ten Dinars to be distributed among the Muslims'; and his brother does not know that there is anything for him with me'. So he^{asws} said: 'I^{asws} view that you should give ten Dinars in charity from it just as he said'.⁷⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ عَنْ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ كَانَ غَارِماً فَهَلْكَ فَأَخَذَ بَعْضُ وَلَدِهِ بِمَا كَانَ عَلَيْهِ فَغَرَّمُوا غَرِّماً عَنْ أَبِيهِمْ فَانْطَلَفُوا إِلَى دَارِهِ فَاثْبَاغُوهَا وَ مَعَهُمْ وَرَثَةٌ غَيْرُهُمْ نِسَاءً وَ رَجَالٌ لَمْ يَطْلَفُوا الْبَيْعَ وَ لَمْ يَسْتَأْمِرُواهُمْ فِيهِ فَهَلْ عَلَيْهِمْ فِي ذَلِكَ شَيْءٌ فَقَالَ إِذَا كَانَ إِنَّمَا أَصَابَ الدَّارَ مِنْ عَمَلِهِ ذَلِكَ فَإِنَّمَا غَرَّمُوا فِي ذَلِكَ الْعَمَلِ فَهُوَ عَلَيْهِمْ جَمِيعاً .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr and Muhammad Bin Ismail, from Al Fazal Bin Shazaan, from Ibn Abu Umeyr, from Abdul Rahman Bin Al Hajjaj,

(It has been narrated) from Abu Al-Hassan^{asws}, 'I asked him^{asws} about a man who had a debt and he died. So one of his sons took with what was upon him (his business) and ended up with more debts on behalf of their father. So they (the creditors) went to his house, so they sold it and with them were other inheritors, women and men, not having approved of the sale and did not order them to work for them with regards to it. So is there anything to them with regards to that?' So he^{asws} said: 'If it was (like that). But rather, the house was hit from that business of his, so the creditors are regarding that business (to collect their debt), so it is upon all of them (the inheritors and not one son who took over the business)'.⁷⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ إِبْرَاهِيمَ بْنِ مَهْرَمٍ عَنْ عُنْبَسَةَ الْعَابِدِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَوْصِنِي فَقَالَ أَعِدْ جَهَارَكَ وَ قَدِّمْ زَادَكَ وَ كُنْ وَصِيَّ نَفْسِكَ وَ لَا تَقُلْ لِغَيْرِكَ بَيِّعْتُ إِلَيْكَ بِمَا يُصْلِحُكَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibrahim Bin Mahzam, from Anbasa Al Aabid who said,

'I said to Abu Abdullah^{asws}, 'Advise me'. So he^{asws} said: 'Prepare your apparatus and send forward your provision, and be your own executor, and do not say to others that they should send to you with what is adequate for you'.⁷⁸

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سِبْهَلِ بْنِ زَيْدٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ عَلِيِّ بْنِ مَهْرِيَارٍ قَالَ كَتَبْتُ إِلَى أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) أَعْلِمُهُ أَنَّ إِسْحَاقَ بْنَ إِبْرَاهِيمَ وَقَفَ ضَبْعَةً عَلَى الْحَجِّ وَ أُمَّ وَ لَدِيهِ وَ مَا فَضَّلَ عَنْهَا لِلْفُقَرَاءِ وَ أَنَّ مُحَمَّدَ

⁷⁶ Al Kafi – V 7 – The Book of Bequests Ch 37 H 27

⁷⁷ Al Kafi – V 7 – The Book of Bequests Ch 37 H 28

⁷⁸ Al Kafi – V 7 – The Book of Bequests Ch 37 H 29

بْنِ إِبْرَاهِيمَ أَشْهَدَنِي عَلَى نَفْسِهِ بِمَالٍ لِيُفَرَّقَ عَلَيَّ إِخْوَانَنَا وَ أَنَّ فِي بَيْتِي هَاشِمٌ مَّنْ يُعْرِفُ حَقَّهُ يَقُولُ يَقُولُنَا مِمَّنْ هُوَ مُحْتَاجٌ فَتَرَى أَنْ أَصْرِفَ ذَلِكَ إِلَيْهِمْ إِذَا كَانَ سَبِيلُهُ سَبِيلَ الصَّدَقَةِ لِأَنَّ وَفَّ إِسْحَاقَ إِنَّمَا هُوَ صَدَقَةٌ

A number of our companions, from Sahl Bin Ziyad and Muhammad Bin Yahya Bin Muhammad, both together from Ali Bin Mahziyar who said,

'I wrote to Abu Ja'far^{asws} letting him^{asws} know that Is'haq Bin Ibrahim dedicated a place for Hajj, and the mother of his children, and what remains from it, for the poor; and that Muhammad Bin Ibrahim witnessed me upon himself with wealth to be distributed upon our brethren and among the Clan of Hashim^{as} from the ones who recognise his right, speaking with our words, him being needy. So do you^{asws} view that I should spend that over them when his way was the way of the charity, because the dedication of Is'haq, but rather it was charity?'

فَكَتَبَ (عَلَيْهِ السَّلَامُ) فَهَمَّتْ بِرَحْمَتِكَ اللَّهُ مَا ذَكَرْتَ مِنْ وَصِيَّةِ إِسْحَاقَ بْنِ إِبْرَاهِيمَ رَضِيَ اللَّهُ عَنْهُ وَ مَا أَشْهَدَ لَكَ بِذَلِكَ مُحَمَّدُ بْنُ إِبْرَاهِيمَ رَضِيَ اللَّهُ عَنْهُ وَ مَا اسْتَأْمَرْتَ فِيهِ مِنْ إِيصَالِكَ بَعْضَ ذَلِكَ إِلَيَّ مِنْ لَهُ مِثْلٌ وَ مَوَدَّةٌ مِنْ بَيْتِي هَاشِمٌ مِمَّنْ هُوَ مُسْتَحِقٌّ فَتَوَيَّرَ فَأَوْصَلَ ذَلِكَ إِلَيْهِمْ بِرَحْمَتِكَ اللَّهُ فَهُمْ إِذَا صَارُوا إِلَى هَذِهِ الْحُطَّةِ أَحَقُّ بِهِ مِنْ غَيْرِهِمْ لِمَعْنَى لَوْ فَسَّرْتَهُ لَكَ لَعَلِمْتَهُ إِنْ شَاءَ اللَّهُ .

So he^{asws} wrote: 'I^{asws} understood, may Allah^{azwj} have Mercy on you, what you mentioned from the bequest of Is'haq Bin Ibrahim, may Allah^{azwj} be Pleased with him, and what Muhammad Bin Ibrahim, may Allah^{azwj} be Please with him, witnessed to you with that, and what he instructed with regards to it from sending part of that to the ones from the Clan of Hashim who has affection and cordiality, from the deserving poor ones. So send that to them, may Allah^{azwj} have Mercy upon you. So they, when they arrive to this scheme are more deserving with it than other, due to the reasons, if I^{asws} were to explain to you, you would know it, Allah^{azwj} Willing'.⁷⁹

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ سَعِيدِ بْنِ يَسَارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ دَفَعَ إِلَيَّ رَجُلٌ مَالًا وَقَالَ إِنَّمَا أَدْفَعُهُ إِلَيْكَ لِيَكُونَ ذَخْرًا لِابْنَتِي فَلَانَةَ وَ فَلَانَةَ ثُمَّ بَدَأَ لِلشَّيْخِ بَعْدَ مَا دَفَعَ الْمَالَ أَنْ يَأْخُذَ مِنْهُ خَمْسَةً وَ عَشْرِينَ وَ مِائَةَ دِينَارٍ فَأَشْتَرَى بِهَا جَارِيَةً لِابْنِ ابْنِهِ ثُمَّ إِنَّ الشَّيْخَ هَلَكَ

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan Bin Yahya, from Saeed Bin Yasaar,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who handed over some wealth to a man and said, 'But rather, I am handing over to you to save it for my two daughters, so and so, and so and so. Then the old man changed (his mind) after having handed over the wealth and took from it one hundred and twenty five Dinars, so he bought a slave girl for his grandson. Then the old man died.

فَوَقَعَ بَيْنَ الْجَارِيَتَيْنِ وَ بَيْنَ الْغُلَامِ أَوْ إِحْدَاهُمَا فَقَالَتَا لَهُ وَيْحَكَ وَ اللَّهُ إِنَّكَ لَتَنْكِحُ جَارِيَتَكَ حَرَامًا إِنَّمَا اشْتَرَاهَا أَبُونَا لَكَ مِنْ مَالِنَا الَّذِي دَفَعْتَهُ إِلَيَّ فَلَانَ فَأَشْتَرَى لَكَ مِنْهُ هَذِهِ الْجَارِيَةَ فَأَنْتَ تَنْكِحُهَا حَرَامًا لَا تَحِلُّ لَكَ فَأَمْسَكَ الْفَتَى عَنِ الْجَارِيَةِ فَمَا تَرَى فِي ذَلِكَ

So there occurred a dispute between the two girls and the boy (the grandson who was given a slave girl), or with one of the two, so they said to him, 'By Allah^{azwj}! Your sleeping with your slave girl is unlawful because our father bought her for you from our wealth which he had handed over to so and so, so he bought this slave girl for

⁷⁹ Al Kafi – V 7 – The Book of Bequests Ch 37 H 30

you, from it. So if your sleep with her is unlawful and is not Permissible for you. So the youth refrained from the slave girl. So what is your^{asws} view regarding that?’

فَقَالَ أَلَيْسَ الرَّجُلُ الَّذِي دَفَعَ الْمَالَ أَبَا الْجَارِيَّتَيْنِ وَهُوَ جَدُّ الْغُلَامِ وَهُوَ اشْتَرَى لَهُ الْجَارِيَّةَ قُلْتُ بَلَى فَقَالَ فَقُلْ لَهُ فَلْيَأْتِ جَارِيَّتَهُ إِذَا كَانَ الْجَدُّ هُوَ الَّذِي أَعْطَاهُ وَهُوَ الَّذِي أَخَذَهُ .

So he^{asws} said: ‘Is not the man who handed over the wealth, but the father of the two girls and he is the grandfather of the boy, and he is the one who bought the slave girls for him?’ I said, ‘Yes’. So he^{asws} said: ‘So say to him to go to the slave girl when it was the grandfather who was the one who gave (the slave girl to) him, and he is the one who took it’.⁸⁰

بَاب مَنْ مَاتَ عَلَى غَيْرِ وَصِيَّةٍ وَ لَهُ وَارِثٌ صَغِيرٌ فَيُبَاعُ عَلَيْهِ

Chapter 38 – One who dies without having a bequest (Intestate), and for him are young inheritors, so it (legacy) is sold upon him

مُحَمَّدُ بْنُ يَحْيَى وَ غَيْرُهُ عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عَيْسَى عَنْ إِسْمَاعِيلَ بْنِ سَعْدِ الْأَشْعَرِيِّ قَالَ سَأَلْتُ الرَّضَا (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ مَاتَ بَعِيرٍ وَصِيَّةٍ وَ تَرَكَ أَوْلَادًا ذُكْرَانًا [وَ إِنَاثًا] وَ غُلْمَانًا صِغَارًا وَ تَرَكَ جَوَارِي وَ مَمَالِيكَ هَلْ يَسْتَقِيمُ أَنْ تُبَاعَ الْجَوَارِي قَالَ نَعَمْ

Muhammad Bin Yahya and someone else, from Ahmad Bin Muhammad Bin Isa, from Ismail Bin Sa'ad Al Ashary who said,

‘I asked Al-Reza^{asws} about a man who died intestate (without leaving a will) and left children, male and female, and young boys, and left slave girls and slaves. Is it permissible to evaluate and sell the slave girls?’ He^{asws} said: ‘Yes’.

وَ عَنْ الرَّجُلِ يَصْحَبُ الرَّجُلَ فِي سَفَرِهِ فَيَحْدُثُ بِهِ حَدَثَ الْمَوْتِ وَ لَا يُدْرِكُ الْوَصِيَّةَ كَيْفَ يَصْنَعُ بِمَتَاعِهِ وَ لَهُ أَوْلَادٌ صِغَارٌ وَ كِبَارٌ أَوْ يَجُوزُ أَنْ يُدْفَعَ مَتَاعُهُ وَ دَوَابُّهُ إِلَى وُلْدِهِ الْكِبَارِ أَوْ إِلَى الْقَاضِي فَإِنْ كَانَ فِي بَلَدَةٍ لَيْسَ فِيهَا قَاضٍ كَيْفَ يَصْنَعُ وَ إِنْ كَانَ دَفَعَ الْمَالَ إِلَى وُلْدِهِ الْأَكْبَارِ وَ لَمْ يُعْلَمْ بِهِ فَذَهَبَ وَ لَمْ يُقَدَّرْ عَلَى رَدِّهِ كَيْفَ يَصْنَعُ

And I (asked) about the men who accompanied the man in his journey, so there befell the event of death, and he had not made the bequest. How should he deal with his provision, and for him (the deceased) were children, young and old. Is it allowed that he hands over his provisions and his animals to his children, the grown-up ones, or to the judge? So if there was no judge in his city, how should he deal with it, and if he was to hand over the wealth to his grown-up sons, and does not tell them (young ones), so he goes away, and is not able upon returning, how should he deal with it’.

قَالَ إِذَا أَدْرَكَ الصِّغَارُ وَ طَلَبُوا فَلَمْ يَجِدْ بُدْأَ مِنْ إِخْرَاجِهِ إِلَّا أَنْ يَكُونَ بِأَمْرِ السُّلْطَانِ

He^{asws} said: ‘When the young ones become aware (adults) and seek him, but they do not find him, it is inevitable from taking it out except if there happens to be the order of the authorities’.

⁸⁰ Al Kafi – V 7 – The Book of Bequests Ch 37 H 31

وَعَنِ الرَّجُلِ يَمُوتُ بَعِيرٌ وَصَبِيَّةٌ وَ لَهُ وَرَثَةٌ صِغَارٌ وَ كِبَارٌ أَيْجَلُ شِرَاءِ خَدَمِهِ وَ مَنَاعِهِ مِنْ غَيْرِ أَنْ يَتَوَلَّى الْقَاضِي بَيْعَ ذَلِكَ فَإِنْ تَوَلَّاهُ قَاضٍ قَدْ تَرَضَوْا بِهِ وَ لَمْ يَسْتَأْمِرْهُ الْخَلِيفَةُ أَوْ يَطِيبُ الشِّرَاءَ مِنْهُ أَمْ لَا فَقَالَ إِذَا كَانَ الْأَكْبَرُ مِنْ وُلْدِهِ مَعَهُ فِي الْبَيْعِ فَلَا بَأْسَ بِهِ إِذَا رَضِيَ الْوَرِثَةَ بِالْبَيْعِ وَ قَامَ عَدْلٌ فِي ذَلِكَ.

And about the man who died intestate (without leaving a will), and for him are inheritors, young and old, is it Permissible to buy his servants and his provisions without there being a ruling or a judge who sells that. So if the judge rules being pleased with it, and the Caliph does not instruct, is the buying from it, good or not?' So he^{asws} said: 'If the grown-ups from his children are with him (the executor) during the sale, so there is no problem, if the (rest) of the inheritors are happy with the sale, and a just price is established with regards to that'.⁸¹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ رَبَائِبٍ قَالَ سَأَلْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ بَيْنِي وَ بَيْنَهُ قَرَابَةٌ مَاتَ وَ تَرَكَ أَوْلَادًا صِغَارًا وَ تَرَكَ مَمَالِيكَ لَهُ غُلَمَانٌ وَ جَوَارِي وَ لَمْ يُوصِ فَمَا تَرَى فِيْمَنْ يَشْتَرِي مِنْهُمْ الْجَارِيَةَ يَتَّخِذُهَا أُمَّ وَ لَدٍ وَ مَا تَرَى فِي بَيْعِهِمْ

A number of our companions, from Sahl Bin Ziyad, from Ibn Mahboub, from Ibn Raib who said,

'I asked Abu Al-Hassan^{asws} about a man, between me and him was a relationship, died and left young children, and left slaves for him, boys and girls, and did not make a bequest. So what is your^{asws} view regarding the one who buys the slave girl from them to serve the mother of his children, and what is your^{asws} view with regards to selling them?'

قَالَ فَقَالَ إِنْ كَانَ لَهُمْ وَلِيٌّ يَفْعَلُ بِأَمْرِهِمْ بَاعَ عَلَيْهِمْ وَ نَظَرَ لَهُمْ كَانَ مَأْجُورًا فِيهِمْ قُلْتُ فَمَا تَرَى فِيْمَنْ يَشْتَرِي مِنْهُمْ الْجَارِيَةَ يَتَّخِذُهَا أُمَّ وَ لَدٍ قَالَ لَا بَأْسَ بِذَلِكَ إِذَا أُنْفَذَ ذَلِكَ الْقِيمُ لَهُمُ النَّظَرُ فِيْمَا يُصْلِحُهُمْ وَ لَيْسَ لَهُمْ أَنْ يَرْجِعُوا فِيْمَا صَنَعَ الْقِيمُ لَهُمُ النَّظَرُ فِيْمَا يُصْلِحُهُمْ .

He (the narrator) said, 'So he^{asws} said: 'If there is a guardian for them, they would be evaluated by his order to be sold over them, and with having consideration for them if there were ones who were paid among them'. I said, 'So what is your^{asws} view regarding the one who buys the slave girl from them, so he takes her for the mother of his child?' He^{asws} said: 'There is no problem with that, if that evaluation is established for them by the supervisor with regards to what is correct for them (young inheritors), and there is not for them to retract with regards to what evaluation the supervisors establishes for them with regards to what is right for them'.⁸²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ زُرْعَةَ عَنْ سَمَاعَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ مَاتَ وَ لَهُ بَنُونَ وَ بَنَاتٌ صِغَارٌ وَ كِبَارٌ مِنْ غَيْرِ وَصِيَّةٍ وَ لَهُ خَدَمٌ وَ مَمَالِيكَ وَ عَقْدٌ كَيْفَ يَصْنَعُ الْوَرِثَةَ بِقِسْمَةِ ذَلِكَ الْمِيرَاثِ قَالَ إِنْ قَامَ رَجُلٌ تَقَفَ قَاسَمَهُمْ ذَلِكَ كُلُّهُ فَلَا بَأْسَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from zurara, from Sama'at who said,

'I asked Abu Abdullah^{asws} about a man who died intestate (without leaving a will) and for him were sons and daughters, young and old, and for him were servants and slaves, and contracted ones. How should the inheritors deal with the distribution of

⁸¹ Al Kafi – V 7 – The Book of Bequests Ch 38 H 1

⁸² Al Kafi – V 7 – The Book of Bequests Ch 38 H 2

that inheritance?’ He^{asws} said: ‘If a reliable man stands to distribute all of that for them, so there is no problem’.⁸³

بَابُ الْوَصِيِّ يُدْرِكُ أَيْتَامَهُ فَيَمْتَنِعُونَ مِنْ أَخْذِ مَالِهِمْ وَمَنْ يُدْرِكُ وَلَا يُؤْنَسُ مِنْهُ الرُّشْدُ وَحَدُّ الْبُلُوغِ

Chapter 39 – The executor, orphans (under his care) become adults, but they shy away from taking their wealth, and the one who is an adult does not have the understanding of the guidance, and the limit of the adulthood

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عَيْسَى عَنْ سَعْدِ بْنِ إِسْمَاعِيلَ عَنْ أَبِيهِ قَالَ سَأَلْتُ الرَّضَا عَنْ وَصِيِّ أَيْتَامٍ تُدْرِكُ أَيْتَامَهُ فَيَعْرِضُ عَلَيْهِمْ أَنْ يَأْخُذُوا الَّذِي لَهُمْ فَيَأْبُونَ عَلَيْهِ كَيْفَ يَصْنَعُ قَالَ (عليه السلام) يَرُدُّهُ عَلَيْهِمْ وَيُكْرِهُهُمْ عَلَى ذَلِكَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Sa'ad Bin Ismail, from his father who said,

‘I asked Al-Reza^{asws} about an executor of orphans, whose orphans become away (adults), but they turn away from taking that which is for them, so they refuse against him. So how should he deal with it?’ He^{asws} said: ‘He should return upon them (the legacy) and compel them upon that’.⁸⁴

أَحْمَدُ بْنُ مُحَمَّدِ بْنِ عَيْسَى [عَنْ مُحَمَّدِ بْنِ عَيْسَى] عَنْ مَنْصُورٍ عَنْ هِشَامِ بْنِ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ انْقَطَاعُ يُتِمُّ الْيَتِيمَ بِالْإِحْتِلَامِ وَهُوَ أَشَدُّ وَ إِنْ احْتَلَمَ وَ لَمْ يُؤْنَسْ مِنْهُ رُشْدٌ وَ كَانَ سَفِيهًا أَوْ ضَعِيفًا فَلْيَمْسِكْ عَنْهُ وَلْيُتِمِّ مَالَهُ .

Ahmad Bin Muhammad Bin Isa, from Muhammad Bin Isa, from Mansour, from Hisham,

Abu Abdullah^{asws} has said: ‘The orphan-hood of the orphan is cut-off with the bed-wetting, and he is at its peak. And if he bed-wets and does not have the correct understanding from it, and was foolish, or weak (of understanding), so let his guardian withhold his wealth from him’.⁸⁵

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ بَعْضِ أَصْحَابِهِ عَنْ مُتَنَّى بْنِ رَاشِدٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ سَأَلْتُهُ عَنْ يَتِيمٍ قَدْ قَرَأَ الْقُرْآنَ وَ لَيْسَ بِعَقْلِهِ بَأْسٌ وَ لَهُ مَالٌ عَلَى يَدَيْ رَجُلٍ فَأَرَادَ الرَّجُلُ الَّذِي عِنْدَهُ الْمَالُ أَنْ يَعْمَلَ بِمَالِ الْيَتِيمِ مُضَارِبَةً فَأَذِنَ لَهُ الْعَلَامُ فِي ذَلِكَ فَقَالَ لَا يَصْلُحُ أَنْ يَعْمَلَ بِهِ حَتَّى يَحْتَلِمَ وَ يَدْفَعَ إِلَيْهِ مَالَهُ قَالَ وَ إِنْ احْتَلَمَ وَ لَمْ يَكُنْ لَهُ عَقْلٌ لَمْ يَدْفَعْ إِلَيْهِ شَيْءٌ أَبَدًا .

Humeyd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from one of his companions, from Masny Bin Rashid, from Abu Baseer,

(The narrator says): ‘I asked Abu Abdullah^{asws} about an orphan who has read the Quran, and there is nothing wrong with his intellect. And for him is wealth in the hands of a man. So the man wanted to do some business with the wealth of the orphan which was with him on a profit-sharing basis. So the boy permitted him with regards to that’. So he^{asws} said: ‘It is not correct that he works with it until he (the orphan) bed-wets and hands over his wealth to him. And if he were to bed-wet and there does not happen to be intellect for him, nothing would be handed over to him (the businessman), ever’.

⁸³ Al Kafi – V 7 – The Book of Bequests Ch 38 H 3

⁸⁴ Al Kafi – V 7 – The Book of Bequests Ch 39 H 1

⁸⁵ Al Kafi – V 7 – The Book of Bequests Ch 39 H 2

حُمَيْدٌ عَنِ الْحَسَنِ عَنْ جَعْفَرِ بْنِ سَمَاعَةَ عَنْ دَاوُدَ بْنِ سِرْحَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) مِثْلَ ذَلِكَ .

Humeyd, from Al Hassan, from Ja'far Bin Sama'at, from Dawood Bin Sirhan,

(It has been narrated) from Abu Abdullah^{asws}, similar to that'.⁸⁶

عَنْهُ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ عَلِيِّ بْنِ رَبَاطٍ وَ الْحُسَيْنِ بْنِ هَاشِمٍ وَ صَفْوَانَ بْنِ يَحْيَى عَنْ عِيصِ بْنِ الْقَاسِمِ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ سَأَلْتُهُ عَنِ الْيَتِيمَةِ مَتَى يُدْفَعُ إِلَيْهَا مَالُهَا قَالَ إِذَا عَلِمْتَ أَنَّهَا لَا تُفْسِدُ وَلَا تُضَيِّعُ

From him, from Al Hassan Bin Muhammad Bin Sama'at, from Ali Bin Rabaat and Al Husayn Bin Hashim and Safwan Bin Yahya, from Ays Bin Al Qasim,

(It has been narrated) from Abu Abdullah^{asws}, 'I asked him^{asws} about the orphan girl, when should her wealth be handed over to her?' He^{asws} said: 'When it is known that she would neither spoil it nor waste it'.

فَسَأَلْتُهُ إِنْ كَانَتْ قَدْ تَزَوَّجَتْ فَقَالَ إِذَا تَزَوَّجَتْ فَقَدْ انْقَطَعَ مَلِكُ الْوَصِيِّ عَنْهَا .

So I asked him^{asws}, 'If she got married?' So he^{asws} said: 'If she were to get married, the possession (authority) of the executor is cut-off from her'.⁸⁷

عَنْهُ عَنِ الْحَسَنِ عَنْ صَفْوَانَ عَنْ مُوسَى بْنِ بَكْرِ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عليه السلام) قَالَ لَا يُدْخَلُ بِالْجَارِيَةِ حَتَّى تَأْتِيَ لَهَا تِسْعُ سِنِينَ أَوْ عَشْرُ سِنِينَ .

From him, from Al Hassan, from Safwan, from Musa Bin Bakr, from Zurara,

Abu Ja'far^{asws} has said: 'There should be no copulation with a (slave) girl until she comes to be of nine or ten years of age'.⁸⁸

عَنْهُ عَنِ الْحَسَنِ عَنْ جَعْفَرِ بْنِ سَمَاعَةَ عَنْ آدَمَ بِيَّاعِ اللُّؤْلُؤِ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ إِذَا بَلَغَ الْغُلَامُ ثَلَاثَ عَشْرَةَ سَنَةً كُتِبَتْ لَهُ الْحَسَنَةُ وَ كُتِبَتْ عَلَيْهِ السَّيِّئَةُ وَ عَوْقِبَ وَ إِذَا بَلَغَتِ الْجَارِيَةُ تِسْعَ سِنِينَ فَكَذَلِكَ وَ ذَلِكَ أَنَّهَا تَحِيضُ لِتِسْعِ سِنِينَ .

From him, from Al Hassan, from Ja'far Bin Sama'at, from Adam Baya Al Lulu, from Abdullah Bin Sinan,

Abu Abdullah^{asws} has said: 'When the boy reaches thirteen years, the good deeds are Written for him, and the evil deeds are Written against him, and Punished. And when the girl reaches nine years, so it is like that, and that is because she menstruates at nine years'.⁸⁹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عِيْسَى عَنِ الْوَشَاءِ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ إِذَا بَلَغَ أَسَدُهُ ثَلَاثَ عَشْرَةَ سَنَةً وَ دَخَلَ فِي الْأَرْبَعِ عَشْرَةَ وَجِبَ عَلَيْهِ مَا وَجِبَ عَلَى الْمُحْتَلِمِينَ اِحْتَلَمَ أَوْ لَمْ يَحْتَلَمْ كُتِبَتْ عَلَيْهِ السَّيِّئَاتُ وَ كُتِبَتْ لَهُ الْحَسَنَاتُ وَ جَازَ لَهُ كُلُّ شَيْءٍ إِلَّا أَنْ يَكُونَ ضَعِيفاً أَوْ سَفِيهاً .

A number of our companions, from Ahmad Bin Muhammad Bin Isa, from Al Washa, from Abdullah Bin Sinan,

⁸⁶ Al Kafi – V 7 – The Book of Bequests Ch 39 H 3

⁸⁷ Al Kafi – V 7 – The Book of Bequests Ch 39 H 4

⁸⁸ Al Kafi – V 7 – The Book of Bequests Ch 39 H 5

⁸⁹ Al Kafi – V 7 – The Book of Bequests Ch 39 H 6

(It has been narrated) from Abu Abdullah^{asws}: 'When a boy is strong at thirteen years, and enters into the fourteenth, It is Obligated upon him what is Obligatory upon the bed-wetting ones, whether he has bed-wetted or not. The evil deeds are written against him, and the good deeds are Written for him, and everything is allowed for him unless he happens to be weak (of understanding) or foolish'.⁹⁰

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ أَبِي مُحَمَّدٍ الْمَدَائِنِيِّ عَنْ عَلِيِّ بْنِ حَبِيبٍ بَيَّاعِ الْهَرَوِيِّ قَالَ حَدَّثَنِي عَيْسَى بْنُ زَيْدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ صَلَوَاتُ اللَّهِ عَلَيْهِ يَتَعَرَّضُ الصَّبِيُّ لِسَبْعٍ وَ يُؤْمَرُ بِالصَّلَاةِ لِتِسْعٍ وَ يُفَرَّقُ بَيْنَهُمْ فِي الْمَضَاجِعِ لِعَشْرِ وَ يَحْتَلِمُ لِأَرْبَعِ عَشْرَةَ وَ يَنْتَهِي طَوْلُهُ لِإِحْدَى وَ عَشْرِينَ سَنَةً وَ يَنْتَهِي عَقْلُهُ لِثَمَانٍ وَ عَشْرِينَ إِلَّا التَّجَارِبَ .

A number of our companions, from Ahmad Bin Muhammad, from Abu Muhammad Al Madainy, from Ali Bin Habeeb Bayaa Al Harwy, from Isa Bin Zayd,

(It has been narrated) from Abu Abdullah^{asws}: 'Amir Al Momineen^{asws} said: 'The child (stops) teething at seven, and he is ordered with the Prayer at ten, and he should be separated with regards to his bed at ten, and he bed-wets at fourteen, and his tallness ends at twenty one, and his intellect completes at twenty eight, except for the experiences'.⁹¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحَسَنِ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَمَّنْ رَوَاهُ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ مَاتَ وَ أَوْصَى إِلَى رَجُلٍ وَ لَهُ ابْنٌ صَغِيرٌ فَأَذْرَكَ الْعُلَامَ وَ ذَهَبَ إِلَى الْوَصِيِّ فَقَالَ لَهُ رَدَّ عَلَيَّ مَالِي لِأَتَزَوَّجَ فَأَبَى عَلَيْهِ فَذَهَبَ حَتَّى زَنَى قَالَ يَلْزَمُ ثَلَاثِي إِثْمَ زَنَى هَذَا الرَّجُلِ ذَلِكَ الْوَصِيُّ لِأَنَّهُ مَنَعَهُ الْمَالَ وَ لَمْ يُعْطِهِ فَكَانَ يَتَزَوَّجُ .

Muhammad Bin Yahya, from Muhammad Bin Al Hassan, from Muhammad Bin Isa, from the one who reported it,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who died and bequeathed to a man (to be an executor), and for him was a young son. So the boy became an adult, and went to the executor, so he said to him, 'Return to me my wealth so that I can get married. But he refused him. So he went and committed adultery'. He^{asws} said: 'Two-thirds of the sin of the adultery of this man is upon the executor because he prevented the wealth from him, and did not give it, so he could have got married'.⁹²

تَمَّ كِتَابُ الْوَصَايَا وَ الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ وَ صَلَوَاتُهُ عَلَى خَيْرِ خَلْقِهِ مُحَمَّدٍ وَ آلِهِ الطَّاهِرِينَ وَ يَتْلُوهُ إِنْ شَاءَ اللَّهُ تَعَالَى
كِتَابُ الْمَوَارِيثِ .

The Book of the Bequests is complete; and the Praise is for Allah^{azwj} the Lord^{azwj} of the Worlds, and His^{azwj} Blessing be upon the best of His^{azwj} creatures, and his^{saww} Purified Progeny^{asws}, and it will be followed, Allah^{azwj} Willing, by the Book of the Inheritance.

⁹⁰ Al Kafi – V 7 – The Book of Bequests Ch 39 H 7

⁹¹ Al Kafi – V 7 – The Book of Bequests Ch 39 H 8

⁹² Al Kafi – V 7 – The Book of Bequests Ch 39 H 9