بالكتاب والرسالة واجتماع الامة فيبدا بإصحاب
القراء وهم الذين لهما سهال مقدرة في كتاب
الله تعالى ثم العصبات من جهة اللعب والعصبة
كل من يأخذ من التركية ما أبتله أصحاب القراء
وعند الإغراء يكرر جمع المال ثم بالعصبة من
جهة السبب وهم أئمة العلماء ثم عصبته ثم الردة
علي كبري الفروع النسيبة يعد عند بعضهم تم دوام
الارحام ثم مولى الموالاة ثم المعدل بالنسب عليل الحي
الجديد يتمهف نسبة من ذلك الغير إذا ما ابتله
هذ العوام في مزاية ثم الرويلي لتشجيع اليال ثم بيت المال
فصول في النهاو نع من أدرى
المانع عن الإرث أربعة الرف وأذراك كان أو نافا والعمال
الذي يعفي من الغير العصب أو الغدالة واجتناب
الذين واجتناب الدارين، المحققين كالعريبي
والذي ذكره الكليسانس والدبيري العامري من دارين مختلفين وداراً واحداً واحداً في خلافة البندعة والبكّل لانقطاع العصية فيها بينهم باب مغردة الغرض ومستعينيها

الفرض المقدر في حجة الدهليز سنة النصف والربع والثلث والثلثان والثلث والسدس على التشريع والتصنيف وأصحاب هذه السماة الذين عشر فقرة أربعة من الرجال وهم الأب والأخير الصغير وإن علاء وأبا بلاء والزوج وثاني من النساء وهما

البنت وبنها البيض وإن سفنت والأخيرة

والأخير للأب والأخير لأمه والأخير الصغير وهي التي لا يدخل نسبتها إليها البنت جدناً

أمّا ثالث الفرض البطلف وهو السدس وذلك مع الأبي وابن الآباء وإن سفنت والفرص والتخصيب.
والنصحب مع ذلك، مع الأبنائ والأبنات، وإن سألت
والنصحب فذلك، وذلك عند أسدم الولد، ولد الأب
وإن سأل والجد الصغير، كلاب الأبي في أربع مسال
وسمى يغزواه إلى اللحاء، تعالى، وسمى جلد بأب
لن الأب أصل في رأيا الجد، في البيض وأما لأب الأم
فاحول ذلك السدس إلى الواحد والثانيلاثنين، فبصعاذا
ذكورهم وإناثهم في التخصية والاسحتاقا سواه
ويسقطون بالولد، ولد الأم، وإن سائل بالاب
ويا لجدر بالانتفاق واما للنروب فحا لتن النصف
عند عدم الولد، ولد الأم، وإن سائل والربع
معا أولد أولد لا ابن، وإن سائل
فصول في النسبة
للفرجات حالتان الربيع الواحدة فصعاذا عند أسدم
الولد، ولد الأم، وإن سائل بنت مع الوالد
أو لُد آله وبين إن معل وآم للبنات الصلب فاحوال الدنيا
العصف للواحة والثنان للأنثيين قماعة ومع الأبين
لذكر مثل حظا الأنثيين وهو عصبه وبنات الأبين
كبدات الصلب ولهن أحوال ست العصف للواحة
والثنان للأنثيين قماعة عند عدد بنات الصلب
ولهن السدس مع الواحدة الصليبة تكمل للثنيين
ولم ين مع الصليب الدين إلا أن يكون بعداثةن أو أسفل
من له علام فيصبهم وألبان بيتهن للذ كمثل
حظا الأنثيين ويعطون كلهن بالابن ولتر كلهن بنات
ابن ابن بعضاً أسفل من بعض وثلاث بنات ابن
ابن ابن آخر يعصبهن أسفل من بعض وثلاث بنات ابن
ابن ابن ابن آخر يعصبهن أسفل من بعض هذه الصورة
وتسبي مسألة التشبيه
الْقَرِيبُ الأَوَّلُ وَالْقَرِيبُ الثَّانِيُ وَالْقَرِيبُ الثَّالثُ

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الْعَلْيَا مِنَ الْقَرِيبِ الأَوَّلِ لَوْ تَوَازَىَهَا أَحَدُ وَالْوَسْطِي

مِنَ الْقَرِيبِ الأَوَّلِ لَوْ تَوَازَىَهَا الْعَلْيَا مِنَ الْقَرِيبِ الثَّانِي

وَالْسَفِنِي مِنَ الْقَرِيبِ الثَّانِي لَوْ تَوَازَىَهَا الْوَسْطِي

مِنَ الْقَرِيبِ الثَّانِي وَالْعَلْيَا مِنَ الْقَرِيبِ الثَّالثِ

وَالْسَفِنِي مِنَ الْقَرِيبِ الثَّانِي لَوْ تَوَازَىَهَا الْوَسْطِي

مِنَ الْقَرِيبِ الثَّالثِ وَالْسَفِنِي مِنَ الْقَرِيبِ الثَّالثِ

كَتَوَازَٰلَهَا أَحَدَاءَ أَعْرِنتُهَا لِلْعَلْيَا مِنَ الْقَرِيبِ
الْوَلِّ الْبَصَّرَةِ وَالْمُوسَلِيَّةِ مِنْ الْفُرَيقِ الْأُولِّ مَعَ مِنْ يَوْمٍ رَبِّكَ الْعَلَامَاتِ نَصِيِّحَةَ لِلْمُتْلَمِّسِينَ وَلَا شَيْءٌ لِلسُّفْلِيَّانِ تَأْمَلُوا أَنْ يُصِبَّ مِنْهُم مِّنْ عَلَامَةٍ فِي عِظَامِ مَعَ مِنْ كَانَتْ لَهَا فَوَمَنْ كَانَتْ نُقْتَدِيَةَ لَمْ يَكُنْ ذَاتِ سَرْمُ وَبَسَطُ مِنْ دُونِهَا وَأَمَامَهَا خُوَّاتٌ لِأَبٍ وَأَمَّ فَلْحَوَّالِ خَيْسُ الْبَصَّرَةِ لِلْوَاحِدَةِ وَالْمُتْلَمِّيِّينَ نَصِيِّحَةً وَمِنْ أَلْيَاءٍ وَلَا ذُكْرَمَ لَمْ يَكُنْ حَتَّى آتَهَا ثَمِينٌ فَصَادَأْ وَمِنْ أَلْيَاءٍ وَلَا ذُكْرَمَ لَمْ يَكُنْ حَتَّى آتَهَا ثَمِينٌ، فِي سَرِّ عِدْجٍ لَا نَصِيِّحَةُ بِهِ إِنْ فِي الْقُرْآنِ يَا البَيْتُ وُهُنَّ الْبَيْتُ لِلْمُتْلَمِّيِّينَ مَعَ الْبَيْتِ الْأَلْبَيْنِ لقَوْلُهُ اسْتَلَقَّوا إِلَى الْصَّلْوَةِ وَالْسَلَادُ إِسْتَلَقَّوا إِلَى الْصَّلْوَةِ مَعَ الْبَيْتِ لِلْمُتْلَمِّيِّينَ لْأَبٍ وَلَا ذُكْرَمَ لَمْ يَكُنْ حَتَّى آتَهَا ثَمِينٌ لِلْوَاحِدَةِ وَالْمُتْلَمِّيِّينَ نَصِيِّحَةً وَمِنْ أَلْيَاءٍ وَلَا ذُكْرَمَ لَمْ يَكُنْ حَتَّى آتَهَا ثَمِينٌ
معنى أخ لابن يعصمئه وابنُ البائِي لابنُه للذرُّ
مثل حُتَال الأثريَّين والسطّان يصر عصبة مع البنات
ومع بنات الأثريت ليا ذكرنا وبنّا الحوراء وبنّا وآله
حكِّم يسقط بنابي وابن الأدم وان سُجل وانّا
بالإغاثة ويُجد عنادي حنيفة رحبة الله تعالى
ويستجمّع وانّا عفلات أهيا باب وأم ومالالم فاحوال
ثالث السدس مع الولاية وولد الأثريت وان سُجل ومع اثريت
من الأجيء والأبويات نصاعدان من أي جهة مكانا
وثلث الكلٍ عند عدم هولاً البذكران وثلث مابي
بعدّرون أحد الزوجين وذلِك في مسلمين زوج
وابنون اوزوجة وابنون ولوكان مكان للابنجدلالا
ثلاثة جمع الباب الإقعد بإوس 피해 الله فإن لها
أيضاً ثلث البائِي للجدة السدس لم يكونوا أولاب
واحدة سكانت أو اصطفا بأحكم كن ثمانية سكانيّات
في الدارة وينشتغل كتاب بلال والكتب أخرى أيضًا
بالألب ولهذا الكتاب إذا البام الباب وإن علقت فانها ترت
مع الجدية ليست ينقلها المجد الغربي من أي
جنة كان يجب الجدية البعدي من أي جنة
كان فارتئ كتاب الفيروز أو هجوة وإذا كان
الجدة ذات قراءة واحدة كتاب الحب والأخرى ذات
ajaranين أو أخثر كتاب الأدب، وهي أيضًا أم الأب

باد

يغمس السد بينهما عند أبي يوسف رجاء الله عليه
انصا فأبا اعتبار الأبدان وعند محمد رجاء الله عليه
ثالثًا وأتباً راجعن

باب
باب العصبات

الصبغة النسبية تلائم عصبته بنفسه وعصبته بغيره وعصبته مع غيره أما العصبته بنفسه فكل ذكر ليدخل في نسبتهن إلى البيت التاني وهي أربعة أصناف بئر البيوت واصله وجزء أبيه وجزء جده الأذرب فالترب يخرجون يغرب للرحة أعتني به أو لا مهم با ليعتر جذر البيت أي البنون تم ينوه وان سكنوا تم أسلامي الأضام الجيد الأب الأب وان عاد تم جر أبيه أي الأخوة تم ينوه وإن سكنوا تم جزر جده أي الأعما تم ينوه وإن سكنوا تم ينوه في نغاة القراءة أعتني به دالغرا با يني أولي يني ذي تراني واحد دفعا حلا أنا أو أنني تقول عليه السادات إن أعبان بني الذاب والذاب بنتائج دون بنى العائد كيف لا بل وأي أولى بنى الدابة وأخذ لاب وأي أصامع عصابته مع البنت أولى بنى الدابة
وابن النَّافِئ، فَإِمَّا أَوْلَى مِنْ أَبِي الأَخْلَاصَ وَكَذَلْكَ
الحَذِيمَ فِي أَعْيَامِ الْجَيْهَةِ فَعِنْي أَعْيَامَ الْجَيْهَةِ فَعِنْي أَعْيَام
جَدِّي أَمَال الصَّحِيِّ بَعْضُ دَارِعِينْ مِنَ النَّسَوَةِ وَهُمُ اللَا تِي
ذَرَّتُنِي عَلَى الْبَنَاتِ وَالْبَنِينَ يَصِرُّن عَصِيَّةً بِالْمَحْرِيْنِ
كَمَا دَكَّرَنَا جَاكَالَانِي وَمَا لَفْضُ لَهاَيْنِمْ إِنَّا
وَأَخْوَاهَا عَصِيَّةً لَا تَصِرُّ عَصِيَّةً بِأَخِيَّا حَكَمًا وَعَلَا
وَأَمَامَ الصَّحِيِّ مَعْيَهُ فَنَكَّلَ أَنْيَ نَصِرُ عَصِيَّةً مَعَ أَنْيَا
أَخْرَي كَالْسَخِيمَ مَعَ الْبَنِينَ كَمَا دَكَّرَنَا وَأَخْرَي عَصِيَّاتِ
مُؤْلِعَةَ العَنَا تُهْمَ عَصِيَّةً عَلَى الْتَرْكِ يَاالْذِي دَكَّرَنَا
لَعَدْوَةَ عَلَى الْصَّلِّوُةِ الْبَلَامِ الْوَلَاتِ لِحَكَمَةِ النَّسَبِ
وَلَا شَيْءٌ لَلَّذَٰنَانِ مِنْ وَرَتَةِ الْبَعِينَ عَلَى الْصَّلِّوُةِ
وَالْبَلَامِ لَيْسَ لِلْمَسَأَمَّينَ الْوَلَاتِ شَيْءٌ إِلَّا أَمَامَ
أَعْتَنَى مِنْ أَعْتَنَى أُوْكَايْنَ أُوْكَايْنَ مِنْ كَايْنَ
وَأَنْبَتَنَّ أَنْبَتَنَّ مِنْ دَبْرٍ أَوْجُرَلْتَ مَعْنَى دَبْرَكَ وَلَبَّتَ أَبَا
الْبَعِينَ
التعنت
وأبنته سُدس الولد. لدته وابنها لابي لدايب
ونُزِّهها كحيلة لابي. ولتركت ابن اليعتنٍ وجدت
فالولد. لدته لابي بالإتفاق ومن ملك دارهم.
ليمتغلف عليها يكون وراء ال人が نبات الصغير
نحرون ديناراً وللكبري تلقنتون ديناراً. فأشارت لنا أباهم
بالحديدين ثم مات الأب وترك شيماء البال بالطفلين.
بيناه آنا بالنفرص والبابي بين مشترتي الاب
أخاؤنا ثالثة أخبار للكبرى وخسارة للصغير.
قُص من خيسة وأربعين
باب الحجب
اصحب علي نويعي حجب نقصان وهو حجب عنهم.
إلى سلم وذلك لحبسنا أن نزوجين وأم وبنت وأب.
والأخلاص لا يدمنا به حجب حرام وإلّة ورزن. فيه
فريقان نفرت لا نحبكون حالًا البنت وهم ستقالابين.
والاب والرُّوج والبنف والنم والروحانية وذريف برون

بحالي وحجبون بحالي وهذا أميني علي اصليي أحد

هُما هُما كل من يد لي يلي البيت يهادين لبرز مع

وجوز ذلك الشَّخص كابي الأبي مع الأبي سوي

أولاد أميرانهم يبرون معها لانعدام استحاقتهم جميع

المرجة والثانية الأرض قالا قريب كرب كربة كرب

العصاب والمحروم للحجب ينذلنا وندابة مسعور

رضي الله عنه حجب الحجاب النصفان كا لكا في

والقالة والريف وحجب حجب بالانتفاح

كلا من الماء والبركة والأنساد فقاعادا من أي جرخة

كابنيتها لا براز مع الأبي لكن أني في الأبي من

الثُّلث إلى السُّداس

باب مخارج الغرور

أعلم أن الغرور السنة المبكرة في حساب الله

تعالى
تعالى نوعاً من الأموات النصف والربع والنين والثاني والتلثين والتلثين والتأنس على التنصيف والتسيف.
فإذا جاء في السبائل من هذه الجرور من أكاد أكاد فجعلت في قرنص سبيله إلا النصف ذاته من الأثمان.
حال ربع من أربعة والنين من ثانية والتلثين من ثلثين وأadamente مثني أربعة وترين من نوي واحد فكأن عدداً يكون متحرجاً جريجًا نذالكل العدد أيضاً متحرج لضعف ذلك الجرور ولضعف ضعفه كالمئة هي متحرج للسنين ولضعفه إذا اختلف النصف من النوع الأول يبكل الناني أو بيسمه نهون ستة وإذا اختلف الربيع يبكل الناني أو بيغله نهون ايدي عشر وإذا اختلف النين يبكل الناني أو بيسمه نهون من أربعة و
النقول أن يُترجم علي التحرير شيء من أجراته إذا ضاقت
التحرير، فرضي أعلم أن جميع التحصينات سبعة أربعة
منها حتى تعود وهي القنانة والثلاثة والأربعة والشiological
والتسعين، فتدعون ألا تعود إلي عشرون وأوسعًا
وأما النفي عشرون فإنه تعود إلي سبعة عشر ونيرة لا يسفع
وأما عشرون وعشرون فإنها تعود إلي سبعة عشرين عولا
واحدة في البسلة، البسلة وهي أمرة، وبنيان، وبنيان
وأبى أي هدى هذه إلا عند أبي مسعود رضي الله عنه
فإن عندنا تعود أربعة عشرون إلي إحدى وثلاثين
كما أرى، وأخبرنا لأبي وأبي وأخي وأختي لأبي وأبي
باب معرفة الكباثي والتداختي
والفرقان والتقاليدين العقدتين
في تأثة العددين يكون أحد هما مساويًا للآخر
ويتدل العددين أن يعود ألا أنهما الأفخر، أي يعده
وانقول
أونغول تدّاخِل الأعدادين هو أن يكون آخر الأعدادين مناسبًا على الأقل نسبة حيث أنغول هو أن تكون الأقل مثل أو أصغر في ساوي الأكتر أنغول أن يكون الأقل جزء الأكتر مثل ناذة نوبصة تواتر الأعدادين أن لا يعد أقلها الأكتر ولكن يعد فيها عدد ثلاث كالثانية مع العشرين يعد فيها أربعة فيها سماوان فالزن لآن العدد العاقد فيها خرَج الونف وتبائي الأعدادين لان لا يعد الأعدادين المختلعين معا عدد ثلاث أصلا كالسعة مع العشرون وطريق معرفة الهوانغ والبابين االفينرمان المختلعين أن ينقص من الأكتر بيادر الأكتر من جانبيين مرة ورساء حتى انفعلا في درجة واحدن فنان انفعاني واحد ناونف بينهما وان انفعاني عدد دورها سماوان في كل العدد ففي الأثنين بالنصف وفي الثلاثة بالثلث وفي الأربعة بالربع هنداً
باب التحفج

تَحَفِّظُ اِلْمَوْقِعُ الْمُنْسَقُ بِالْبَسَاءِ الْأَصْلِ ثَلَاثُهَا مِنْ لِسَانِ الْبَيْنِ الْسِّمَاعِ وَالْرُّوسِ وَأَرْبَعَةِ مِنْ لِسَانِ الْأَرْسُ وَالْرُّوسِ أَمَا الْغَلْثُنُّ فَاحْدَثُهُ لَكَ وَلِيْسَ كَبْلِ ذَٰلِكُمْ قَبْلَ مَنْ تَغْلِبُ عَلَيْهِمْ بِذَٰلِكُ الْمَانِعُ لَحَاجَةٌ إِلَّا الْقُبُورِ كَابْوُنِي وَبِئْنِي وَالْثَانِيَةُ هُوَ أَنَّ الْبَعْضَ مِنْهُ مُضْطَرِّبُوْنَ مِنْهُ وَالْأَخْرَجُوْنَ مِنْهُ وَإِنْ تَغْلِبُ عَلَيْهِمْ الْقُبُورُ فَخَلَّتْ مَعَهُمُ الْمَسَاءِلُ مَعَهُمْ وَلَا يُلْقِهِنَّ مِنْهُ مُعَادَلَةٌ كَبْوُنِي وَعْرَانَةُ أَوْرُوجَ وَأَوْرُوجَ وَسَيْتَ بُنَائِ الطَّالِثَةُ أَنْ يَنْكِرُوا مِنْهُمْ وَلَا يُكَفِّرُوا بَيْنَهُمْ وَمَوَافِقَةٌ هُمْ قَلْبُ عَدَدٍ مِنْ الْمَعَادِلَةِ كَبْوُنِي وَمَوَافِقَةً
أصل البسالة كنز وحس أحوت لأب وام وأم الأربعة
فإحدها أن يكون الكسر على طالعين أو أصغر ولكن
بين أعداد رؤسية مثلاً ثلاثة فاً لحكم فيهما أن يضرب واحد
الأعداد في أصل البسالة مثل ست بنات وثلاث جادات
وثلاثة أعماق والثاني أن يكون بعض الأعداد في بعضه
متفاوتة فاً لحكم فيها أن يضرب اسكت الأعداد في
أصل البسالة كنار رجوت وثلاثة جادات وثاني
عشرة والثانيان بواطف بعض الأعداد بعضها لحكم
فيها أن يضرب وفق أحد الأعداد في جمعي الثاني ثم
ما بينهم في وفق الثلاثة أن وافقت البضائع الثلاثة والأ
فالبضائع في جمعي الثالث ثم في الرابع كذلك ثم يضرب
البضائع في أصل البسالة كنار رجوت وثاني عشرة
وحسين عشرة قادة وستة أعماق والرابع أن تكون الأعداد
متتالية لا بواطف بعضها بعضها بحكم فيها أن يضرب واحد
العدداً في جمع الثاني لم يضرب ما بُلِغ من جمع
اللَّه لِثُمَّ ما بُلِغ في جمع الرابع لم يضرب ما جمع
في أصل البسيلة كاملاً وليس جدًا وعشرة بنات
وسبع أعيام
فَنَفَل
وإذا أردتَ أن تعرف نصيب لكل ذكر من التصريح
فاضرَب ما سكنً إن كل ذكر من أصل البسيلة في نبضتنه
في أصل البسيلة ذي حسن نصيب ذكر الغريب
وإذا أردتَ أن تعرف نصيب كل واحد من أحاديث الذكور
التاريخ من التصريح فاتسم ما سكن إن كل ذكر من
أصل البسيلة على عدد روسم ثم أضرب الخارج في
البضرب فانحاس نصيب كل واحد من أحاديث ذكر
الغريب ووجه آخران تقسم البضرب على أي شئت
ثم أضرب الخارج في نصيب الغريب الذي نسب
عليهم
عليم البضروب فأحاس سبب شكل واحد من أحاد
ذلك الغريب ووجه آخر وهو ربيف النسية وهو قول م"
فهوان ينبس سهام سهام في سهام من أجل البسملة القلي
عدم رميم مغرد له ثم يعطي ييش شكل تلك النسية من
البضروب لشكي واحد من أحاد ذلك الغريب
فصل في نسب الترتيبات بين الوردة والغزما
أن كان بين الترتيب والنصب ميام ضرر سهام بكل
وأرائه الترتيب في جمع الترتيبين أسم البسملة
النصب وإذا كان بين الترتيب والتركة موافقة
ضرر سهام بكل واريخ الترتيب في وف رئة الترية
ثم أسم البسملة في وف النصب والخارج نصيب ذلك
الوارث في الوحيين هذا إنها هو لبعرنة نصيب كل
فرد من الوردة وأمام البعرة نصيب كل فريق منهم
ناسر ماه كان لشكي فريق من أصل البسملة في
وقت النَّزَحَة، ثم أقسم الحبلة الحاصل على وقتك، البَسملة. إنكى بيني النَّزَحَة، والبَسملة موانعة إنكى بينها مباني فاضبة في حل النَّزَحَة، ثم أقسم الحاصل على جماع تصحيح البَسملة لخارج نصيب ذلك النَّزَحَة في وجهي وأما في تمام الدَّين ندبين.

فصل في النَّزَحَة

من صالح علي شئ من النَّزَحَة ناطرة بها مهمن تصحيح ثم أقسم ما في النَّزَحَة على سهام البائيين مفروج وأم نصالح النَّزَح على باني ذمته للزوجة من أمه وخرج من أبناء فيقسم ما في النَّزَح بين الأمة والعمل من عند رسمها، سيحور يكون شهان للذي وسم واحد للعم.

باب الرَّدّ على الدَّيد العولٍ

وهو
وهويه بالفعل عن فرخ في الغر ون لا مسقف له بير ذلك على دوي الفرص وقد رحوفة الرعي
الروعي وهو قول عامة الصحا بِسَكَعِي وحسن تابعه رضي الله عنه وياخذ أصحا بنا رحمه الله و مليار زيد
فين نائب لآخر الفضل بل هو لبيب البال وياخذ عروة والرهب يميل والشاهيء رحمه الله تعالى
ثم مسا باب اسم آربعة أحمد هان يكون في البسملة جنس واحد مين برديل عليه عندك من ليرد عليه في
البستنة بيسة واحد مين برديل عليه عندك من ليرد عليه في
وأماما إذا اجتمعا في البسملة جنسان أو نال انحناء
و عندك في البسملة
من سماهم أعني من الينين إنك إن في البسملة سدسان
أو من نادر فإداك في نبض ثلاث وسد من ألومن أربع
لا أرى أن نحن نختص وندس نحن أو من حكمة إلا أن تكون نقلًا وسلاسن وسلاسن وسلاسن وسلاسن وسلاسن والثالث أن يكون مع الأول من لا يريد عليه فاعلاً نقص من لا يريد عليه من أثلي ما يجعله أن استغاث البائعي على روس من تركه عليه فيها ل泌، رأى نبات ولا يمكن أن لا يستعمله، وفقروهم في خطر فرض من لا يريد عليه إن وانف روسم البائعي كروج وست بنات والا ناصر بسكل عدد روسم في خطر نقص من لا يريد عليه فأبلغهم تج الحملة والرابع أن يكون مع الثاني من لا يريد عليه قانون بما يبقى من خطر فرض من لا يريد عليه على مستالة من يرد عليه فإن استغاث البائعي نيب الوقائي صورة واحدة وهي أن يكون للنورات المراعي ويعون البائعي بين أهل الردانذا صفرة وحدة وأختين لامرأة لا يستعملها جميع مستالة من يريد عليه شيء
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الدَّرْجُ فَرْضٌ مِنْ لَا يُبْرِرَ عَلَيْهِ فَالْبَلَدُ فَخْرُضٌ

الْبَرْقُيَّةِ سَكَارَ بِرَوَجَاتٍ وَتَسَعُّ بِنَاتٍ وَسَتَّ جَدَّاتٌ

نَمْ أَضْرَبُ سَهَا مِنْ لَا يُبْرِرَ عَلَيْهِ مَسْلِمةً مِنْ بَرَّ عَلَيْهِ

وَسَهَا مَكَّةُ مِنْ بَرَّ عَلَيْهِ فَبِفَتْحِ فِيَ مُخْرِجٍ فَرْضٍ

مِنْ لَا يُبْرِرَ عَلَيْهِ فَأَنْكَسَرْ عَلَيْهِ الْبَعْضُ صَحِيحُ

الْمَسْلِمةُ بِالأَصْوَالِ الْبَدْلَيْنِ

باب معاوية الجد

.compile

"تَلَّ أَبُو بَكْرِ الصَّدِيفُ رَضِيَ اللَّهُ عَنْهُ وَمَنْ تَابَ عَنْهُ

الْحَبَيْشَةُ الْعَمْلِيَّةُ وَالْعَمْلِيَّةُ الْعَلَامَةُ لَا بَرْنُونَءَ عَلَى الْجَدِّ وَهَذَا

تُوَلِّي حَنْيَفَةَ رَحْمَةُ اللَّهِ عَلَيْهَا وَمَعْتِنِي وَتَلَّ رَبِّي رَبِّي

بَرْنُونَءَ عَلَى الْجَدِّ وَهُوَ تَوَلَّي وَمَعْتِنِي وَمَالِكُ وَشَانِئِي

رَجُلُ الْلَّدِينِي وَعَدَّ رَبِّي رَبِّي رَحْمَةُ اللَّدِينِي

عَلَى الْجَدِّ وَعَلَى الْعَمْلِيَّةِ وَعَلَى الْعَلَامَةِ وَعَلَى الأَمْرِينَ

مِنْهَا بَعْضُهَا وَمِنْهَا بَعْضُهَا وَتَفَكَّرُ البَلَدُ وَتَفَكَّرُ البَلَدُ"
إن يجعل الجد في الفسية سكاحد من الإخوة و
بَنَوَ العادات يدن خلون في الفسية مع بنى الأعيان.
إضراراً للجد فإن الحدا لحدنا حينما نحن نعتزيب,long
من البني حاييم بن سعيد بن محمد بن أبا لبكي لبني الأعيان.
إلا إذ افتكاك من بنى الأعيان أخت واحدة أخذت.
فرضها أعمي العدل بعد نصيب الجد فان بقي شيء.
فَبَنُو العادات وابل ناس شاء الله وَنَكَّوْد وَأَخْنَ
لاًَّوَمَ وَخَنَّوْب لَوَفَتَ لَّدَهْفَين لأبا عُشر الأبال و
تضح برعضي وولوكانت في هذه الهسله اختلاف.
لم يبق لياشي واذا اختلفهم فرسن فللجد عنناضيل.
أَذْمِرُ التلاذة بعد ضر دِي سم أمال الباشية كرَح.
وِجَرُوا أَهْوَامَة مَُلَمِّي كَجِدِرَة وَأحُد.
وَأَخْتُ لأْوَمَنَسْ جَيْبَ أْبَال كَجِدِرَة وَأَخْتُ. وَأَحُد.
وإذا كان تلك الباتي خيرا للجد وليس للباتي نثث
لَمَّاً.
فأخرج ثلاث ثلث في أصل النسلة فأن تركت

وجه وواحدة وأول ولد سهير

لنجذب وتحول الاله إلى ثلاث عشرة مشا للاخت

وعلم أن زيد بن نعيم رضي الله عنه لا يجعل أرخت

لاب ومأولائب صحبة فيض مع الجد الأدنى البسلة

الاكنة وهي زوج وأمر جد وأخت لا باب وأول لد والزوج

النصب والثلاث والثامن والسادس وللاخت النصف

ثم يضم الجد نصيبه إلى نصيب الاخت نيقسان للذكير

مثل حقيقة الألفين لان الحاصلة خير للجدصل اسم ستة

وتعول إليها تسعًا وتسعًا من سبعة عشرين إنها سبتي

الثاني لأنها وانعفت في المرة من بني عقد روئان

مكان الاخت أخ أول خيار فالتور والاردية

باب البناحمة

والتور يعد أسدًا، بير لا نافذ القسمة كجزء وليته
وَأَمَّ فَتَى الْزَّوْج قَبْلِ الغَسَلِ عَنِ اِمْرَأَةٍ وَأُبُو بِنْ عِنْفَةٍ ثُمَّ ما تَتَبَدَّلَ الْبَيْتُ عَنِ اِمْرَأَةٍ وَيَنْتِ جَمَّةٌ ثُمَّ ما تَتَبَدَّلَ الْبَيْتُ عَنِ رَوْجٍ وَأَخْوَيْنَا الْبَيْتُ لِيُدِينُ نَظَرُ مَسْلَةُ الْبَيْتُ الْأَوْلَى وَقَعَطَيْنَا سَهَامَ كَلِّ وَارِثٍ مِّنْ هَذَا النَّظَرِ نَظَرَ مَسْلَةُ الْبَيْتُ الْثانيةً وَنَظَرَ بِنْ عِنْفَةٍ بِهِدَى بِهِنَّ النَّظَرُ الْأَوْلَى وَبِنْ عِنْفَةٌ نَظَرَ بِهِنَّ النَّظَرُ الْثانيةً إِلَى ثَلَاثٍ فَحَلَّ فَأَنْفُسَ يَسَابِر الطَّيْبَةُ مَا فِيهِ بِهِنَّ النَّظَرُ الْأَوْلَى عَلَى النَّظَرِ الْثانيةٍ نَلْحَاجَةٌ إِلَى الْضَّرِبِ وَإِنْ لَمْ يَشْتَهَّ فَنَظَرَ بِهِنَّ النَّظَرُ الْأَوْلِيَّةُ مِنْهَا مَوْافِقًا ضَرِبٌ وَقَفَ النَّظَرُ الْثانيةٌ جَبِيعًا النَّظَرُ الْأَوْلِيَّةُ وَكَانَ بِهِنَّا مَبْيَنَةٌ فَضَرِبَ كَلِّ النَّظَرِ الثانِيُّ فِي كَلِّ النَّظَرِ الْأَوْلِيَّةُ فَالْبِلَّغُ مَيْلَتْ الْبَسْتَنِينَ فِيهِ مَ رَنْتَ الْبَيْتُ الْأَوْلِيَّةَ فَضَرِبَ الْبِخْرُ الْأَمْيَةُ فِي النَّظَرِ الثانِيُّ وَقَفَ وَقَفَ الْبَيْتُ الثانِيُّ فَضَرِبَ الْبَيْتُ ثَانِيًا مَّا يَهْيَ إِلَى أَوْنِي وَقَفَ وَقَفَ فَوَانَ مَاتُ ثَانِيَةً
باب كوي الأرحام

وُذ رج رد هُو كُر عِلَي بِذٍٰٓي ضِمْلٍ وَلَعْصِيَةً سَكَاتٍ

عَن عَمْرَةِ الْمَدِينَةِ بُعِيرٌ ثُوبٌ فَيَءَرْحَامٍ وَهُدَّأَ لْأَحْلَامٍ

وُمِلَّ نَبِيُّهُمُ رَبِّهِمُ الصَّلْطَانِيِّ وَنَبِيُّهُمُ الْمَدِينَةِ وَلَهُمْ قَبْضَةٌ يَوْمَ الْقِيَامَةِ

عَنْدَهُ لَبِرْثَةَ لَهُ وَيَءَرْحَامٍ وَيَوْضَعُ الْبَالٍ فِي بَيْتِ الْبَالِ

وُدِتَ الْمَالِكُ وَالْشَّادِيَةُ رَجْحِمً الْمَدِينَةِ وَرَدَى الأَرْحَامٍ

أَسْنَافٌ أَرْبَعَةٌ الصَّنُفُّ الأَوَّلُ يَنْتَيِّهِ إِلَيْ البَيْتِ وَهُمْ أَوْلَادُ

الْبَنَاتِ وَأُولَّيْ الْبَنَاتِ اْلْأَنْثَى وَالْصَّنَفُ الثَّانِي يَنْتَيِّهِ الْبَيْتُ وَهُمْ أَوْلَادُ

الْبَنَاتِ وَأُولَّيْ الْبَنَاتِ اْلْأَنْثَى وَالْصَّنَفُ الثَّانِي يَنْتَيِّهِ إِلَيْ أُبُوِّي الْبَيْتِ وَهُمْ أَوْلَادُ

الْبَنَاتِ وَأُولَّيْ الْبَنَاتِ اْلْأَنْثَى وَالْصَّنَفُ الثَّانِي يَنْتَيِّهِ إِلَيْ أُبُوِّي الْبَيْتِ وَهُمْ أَوْلَادُ
пустًٰ في جَدِّي البيت أو جَدِّي البيت وهي العبات والأعاب
لَهِم والأحوال والعُناوين على، وكل من بديلي إلى البيت
بهم من ذوي الأرحام ركزي أبو سليمة ن عن محمد ابن
الحسن عن السجينة رجح الله إن أثر بالاصناف
الصَّنْفَ الثَّانِي وان عُلَوا ثم الأول وإن سُلِّمو النَّالَث
وإن نزلوا ثم الرابع وإن بعد وأربوا أبو يوسف والحسن
بني زيادة عن السجينة رجح الله أن أثر بالاصناف
الثَّانَي والثَّانَي ثم الثالث ثم الرابع ضرب تيب العصبات
وهو الباحث لابن أيزري وعند هذين الصنف الثالث معدم
علي الجد أبيام لأن عند هذين واحديهما أولي بن
فرع وفروعه أولي من أصله

فصل في الصنف الأول
أولهم بالبيت أقرّهم إلى البيت سجنت البيت فأنه
أولهم من بني بنيت الأبد وإن استوائي الدَّرجة نزلت
الوارث
الوارث أولي من ولد ذوي الأرحام كتب بن بني أبي
أولي من ابن بني الفت وان استوطا درجاتهم ولم يسبة
قلهم ولد الولاث أو خنان كتبهم ولد الولاث فعند
أبي يوسف رجاء الله وحسن بن زيد يعتبر أبادا
الفروع وينقسم الابن عليهم سواء أعنت صفة الأصول
في الدخورة والأنوثة أو اختلطت وصحة رجاء الله
يعتبر أبادان الفروع إن أعنت صفة الأصول سواء انتهاء
وبعتبر أبادان الأصول إن اختلطت صفاتهم ويعتي الفروع
بميزات الأصول هائلة بما كياسات أثر ابن بنيت وبيت
عند هذين بين الدخرة الدخرة مثلا حكا الأنبياء ويعتبر
الأبادان وعند عناية كتب الله صفة الدخرة لابد ان صفة الأصول
متمتة ولا يكثر بن بني أبي بن أبي بن بني بن هذين
الابادان عند الفروع إذا أصبب بالابادان تتلقاه للدخر
وثلته للاثني وعند عناية كتب رجاء الله علية الابان بين
الْمُسْلِمِ لَأَنْ ذُكِّيَ فِي الْبَطِينِ الْأَثَانِيَ أَكْثَرُ تَأَثِّرًا لَّيْنَتِ أَبِي
الْبَتْنَةَ تَصِيبُ أَيْمَهَا وَتَلْتُهَا لَأَبِيَ بُنْتَ الْبَتْنَةَ تَصِيبُ أَيْمَهَا
وَجَدَّ لَكَ غَيْبَةً مَّتَحَدَّثَ رَحْبَةً اللَّهُ ذَلُولَ أَنْ كَانَ أَوْلَادُ الْبَتْنَةِ
مَتَحَلَّغةً يُعْمَلُ عَلَيْهِ أَوْلُ بَطِينٍ احْتَلَّفُ فِي الْمُسْرَى
ثُمَّ يَجْعَلُ الدُّكَوْرِ طَيْبَةً وَالْدُّسَّانَ طَيْبَةٌ أُخْرِيَ بَعْدَ الْغِسْبَةِ
فَيَحْبَابُ الدُّكَوْرِ تَجْعَلُ وَيُعْمَلُ عَلَيْهِ أَعْلَى الْخَلَافِ الَّذِي
وَقَعَ فِي أَوْلَادُهُ وَكَذَلِكَ مَسْتَنَبَأَ الْذَّنَبُ وَهُكَذَا يُعْقِبُ

إِلَيْ أَنْ يَنْتَيَ بِهِ ذِيَ الصُّدُورِ
أُهِيْتَ لَنِصْفَ الْأَخْرَ لَبَنِي بَنْتِينَ بَنْتٍ بَنْتٍ بَنْتُ الْبَنْتِ نَصِيبُ أَمْرٍها
وَقَصَّدَ فِي نَعْمَانٍ وَعَشِيرٍ وَقَوْلٍ مَّحَيْطٍ رَجِحَةُ اللَّهِ أَشْرِ
الْرَّوَاطِبِ عَنِ الْمُحْمِدِيَّةِ رَجِحَةُ اللَّهِ فِي جَيْبِ أَحْكَامِ
ذَا الْإِرْحَامِ وَقَوْلُ أَبِي يُوسُفُ الرَّأَفُ أَوْلِيَاءُ رُكَابٍ
لَأْعِبِرَةُ الْعَصْرِ الْبَنْتُ

فَضَّلَ

علَبَوا رَحْمَةَ اللَّهِ يَعْتَزِيرُونَ الْجَهَاتُ فِي التَّوْرَيْتِ غَيْرَانَ
ابْيُوسَفُ رَجِحَةُ اللَّهِ يَعْتَزِيرُ الْجَهَاتُ فِي ابْدَاءِ الْفَروْعَ وَ
مَحَمَّدُ رَجِحَةُ اللَّهِ يَعْتَزِيرُ الْجَهَاتُ فِي الْعَصْرِ كَأَذَّرُكَ
بَنْتٌ بَنْتٌ بَنْتٌ وَهَا أَيْضًا بَنْتَنَا أَبِي بَنْتٌ وَأَبِي بَنْتٌ بَنْتٌ بَنْتٌ

بِهِدَاءِ الْبُصُورَةِ

بَنْتٌ

بَنْتٌ

بَنْتٌ

بَنْتٌ

أَبِي

بَنْتٌ

أَبِي
عندما يتمسق بوصف الباب بينهم المثلثات، فإن الزاويات لا يمكن أن تكتمل أربع منهن. وابناء الزوايا، ينتمون للفينتش ونثيلما. فيكون
محمد بن عبد الله الباب بينهم على نبالة وشمس، ثم نصف سهه للفينتشين، ثم نصف وشمس، ثم نصف سهه. 
وسمه، من نصف أمها، ولد بن نصف سهه، من نصف أمها.
فصله في السلف الثاني.
ولاهم بالبيات، أفرى إلى البية من أي جهة، كان
عند الاستذاء، في درجات الغرب، إن سكان يذلели إلى
البها، فتأتيهم نهراً أولي عند أبي سهل الفرائدي، وأبي نصيب الخصان، وعلي أبي عيسى البصري، ولا تضيل
لقدنادي سليمان الجرجاني، وأبي علي البهتي البستي،
وكان استوت مثلاً لهم، وليس فيها من يدلي بوارث أو مكان
كلاهم، بدأ ثلاثينون؛ أولئك الذين أتغفت سنة، بدأونو
وأخذت قراماتهم، فالجنسية على أبادهم، وان اختفت سنة هذه
!
في الصنف الثالث

الحكم في الصنف الثالث في الصنف الأول أعنقي أولاهما باليمين أولهم إلي البيت وأين استوطن الغرب أولهم في العصبة أوله من ولده وبه الأرحام كبنات ابن أخي وأبيه ترقبه في أبناءه لابن بالله سلطنة ليست لابن الابنلا وللعصبة ولوضان لابنه بالله كملك حكما لااختيار عندأبيه يوسف رحمة الله عليه اعتبر الأبدان وان خطير حالته الأدنى بأخرى لابن لابن ولابن ولابن ولابن ولابن أولدها أولدها أولدها أولدها
وبعضهم أولاد أصحاب الفراشين، واحتفلت ترابهم
نابوسيف رجاء اللعبألتراني، ومحمد رجب الدين بمليست
بالعلي الأخوات بنات بعضه، مع اعتبار عدد الفروع.
وأعجبته من الأصول فأصاب كل فريق يقسم بين نزاعه.
كباقي الصنف الأول كنت بنات الإحتلال وأم أولي من
ابن بنات اللعفل الأشياب نابوسيف رجاء الله اللطيفة الغرابية.
وإعادة حيدر الله يقسم الال بنات بينها تصبغ باعتبار
الأصول كاذات، ثبتت بنات الأخوة مغرفيين وثلاث
بنين وثلاث بنات أختوات منفرقات في الصورة.

أخلاصهم إبرام إغلاق إخبار اعتلال بالامتثال
الإحتلال بأي بنت أبى بنت أبى بنت أبى بنت
عند أبى بنت أبى ي Converted إلى الال بناء خوات مغرفيين.
بنتين بنات أختوات منفرقات في الصورة.

مثال حيدة الشهيرة أرباعاً يمتاز الأدباء، وعند حيدر رجب
النفيس ثلاث الال بناء خوات بناءً، الأخوان من
النسية.
أنألَّا باعتِباراً استوأَ أصولُهم في نسبة أُبْناء والابناء بين
فروعُ أُبْناء الأعيان أصلًا باعتِبار عدّ الأعرَو في الأصول
نصفُ ابناؤها أَصَبَ بِابناء والنصف الآخرين وَلَدَٰي
الاخت لِلذكرِ مثل حُظّا الأثريين باعتِبارِ زالابدين وَتَصُمُ
من نسعة ولوُنكرُ ثلاث بنات بني أَخوة منغرين
بِهِمُ الصُّورَةَ

بنتَ ابنَ أُبْلابِ وَأَمُ بنتَ ابنَ أُبْلابَ بْنُتَابِ أُبْلابَ
الرَّبَّانَ بنتُ ابن أُبْلابِ أُبْلابِ وَأَمُ بالرَّبَّانَ نُهُوُ أُوْلِدَ العَصْبةَ

ولَهاِ أيضاً نُصُوَّةَ العَرابِةَ

فصلُ في السَّنَفِ الرابع

الحكمِ فيهمَّ اِنَّ أُذنَادِرُ واحدَ منهمِ اسْتَحِفتِ البَالَ كله
لَعْدَمِ الْرَّاحِمَ وَذِلِّلَ جَنَبَوْهُمَّ حَيَّزَتُهمِ مَضْعُودًا
تَصَالِبُ الأُعْبَاءِ وَالْأُعْبَاءِ وَالأَخْوَلِ وَالْإِناْلَاتِ فَالْآتِيَ مِنْهُم
أَوْلِيَ الْأَجْمَاعِ أَعْنِي مِنْ حَكَمِ لَهُمْ أُولِي مَسْطُونٍ
لَّابِضِمِّ
لا بِوُلَدٍ مَّنْ كَانَ لَبِّ أَوْلَىٰ مِنَّكَ لَمْ كُنْكَ لَمْ تَدْكُرْ كَأَنْوَا أَوْلِيَاءُ
وَلَكِنْ كَانَ كُلُّ كُلٍّ وَأَطْرَابُهُمْ أَحْذَّرْهُمْ كَأَنْ شَكَّ مِنْ حَكْمَائِ الْأَرْضِ وَرَخَاهَا وَكَذَلِكَ
لَا بِوُلَدٍ أَوْلِيٌّ فَأَنْ كَانَ حِيْضَ قُرْبَانِهِ مُخْلِلًا فَلَا
اعتبَارًا لِّقُوَّةِ الْقَرَابَةِ كَعْبَةَ لَبِّ وَأَطْرَابًا لَبِّ وَأَخَالْقَابَ وَأَمَّ
وعَيْنِ لَكَ فَأَلْتَلِنَّ لِقَرَابَةَ الْأَبِي وَهُوَ صَيْحَبُ الْأَبِي اللَّنَّذِي
لِقَرَابَةِ الْأَبِ وَهُوَ صَيْحَبُ الْأَمِّ سَأَلَ عَلَىٰ رَعْيَةِ سَمِّيَتُهُم
كَبْرَ الْوَاحِدِ حِيْضَ قُرْبَانِهِ
فَشَّلَ فِي أَوْلَاهُمْ وَأَخَالْقَابِ
الْحِكْمَ فِيهِمْ كَالْحِكْمَ فِي الْصُّنَفِ الْأَوَّلِ إِلَيَّ أَعْنِي أُولَاهُمْ
بِالْحُمْرَاتِ أَكْرَمَتْ إِلَيَّ الْبَيْتِ مِنْ أَيْ جَهَرَةٍ كَانَ وَأَسْتَوَا
فِي الْقُرْبَاءِ وَكَانَ حِيْضَ قُرْبَانِهِ مُخْتَلِفٌ مِنْ حَكْمَاءِ الْأَرْضِ لِقَرَابَةِ
الْأَبِ الْأَوْلِيَّ بِالْأَجْمَاعِ وَأَنْ أَلْزَمُ الْغَرَابِ الْأَرْبَاهِ كَانَ
حِيْضَ قُرْبَانِهِ مُخْتَلِفُ وَالْأَصْبَاهُ الْأَوْلِيَّ لَا يَكَونُ كَبْنِ
العم وابن العين بلذه لاب وام أولادها بالا سلسلة لينت
العم وان كان أحده لاب وام والأخران لاب كان الاب كله
لبن كانت لدفوة القرابة في ظاهر الرواية قياسا على
خالقة لاب مع كعوب ولد ي الرحم تكون هي أولى
لقوة القرابة سخالقة لاب مع كتبا ولد الدوارثان الترجيح
يتعين فيه وهو نحو قرابة أولى من الترجيح في غيره وهو
الدوارثان بالدوارثان فلفل بعضهم الاب سكما لبفت العل لا يدا
ولد العصبية استرانتي الغر ولي كا اختفل حيز رأيتهم
للاعتبار نفاذ كعوب القرابة والولد العصبة في ظاهر الرواية
قياسا على عبادة لاب وام مع كنها ذات القرابة وولد الدوارث
من الصمتي ونهادات نظر ليست هي باولي من الخالة
لاب لكون الفتني لبي يدل بقرابة لاب نعتبر فيهم توة
القرابة ولد العصبة والفتني يدل بقرابة لام ويعتبر
فيهم قوة القرابة نم عدد ابي يفسي رجب الله مصاب
казал رضي
сел ذريع يقسم على ابدين فر عم مع اعتبار عدد
الجديتا في الغروي وعند حمص جزء الله يقسم البال
علي أول بطن اختلف مع اعتبار عدد الغروي والجديتا
في الأصول كباحي الصنف الأول ثم ينتقل هذا الحكم إلى
جثة مائدة وحولتها ثم أولاً ثم إلى جرح اخونة
أبو يوجه وحولته ثم أولاً لا ده كباحي العصبات
باب الخثمار
للخثمار المشكل أمي النصبيين اعني اسواق الجبلين
عند أبي حامدة رجب长度ة أساوية وطول عامة الصحابة
رضي الله عنهم وأ عليه الفنين كأذ أثر كأبا إنغانت الحنثي
فلخثمار نصيب بن داود م.offsetTop وعند عمير العشيبي
وهو قول أبي عباس رضي الله عنه لخثمار نصف
النصبيين بالนาزعة واختلافات تخرج الغانم تقول العشيبي نال
ابو يوسف للنبي سلم ولم ينصب منهم وله الخثمار ثلاثية
أَرْبَعَ سَمَّى لَنَّ الْحَنْتَيِّي بَيْتَكَفْتِ سَمَّى إِنْ كُلُّ ذَكْرٍ وَنَصْفٍ إِنْ كُلُّ أَنْثِيٍّ وَهَذَا أَنتَ مِنْ أَنْثَيْنِي نَصْفٍ الْدَّمْجَةِ أمْنِيَّنُ أَنْ تَسْتَنَكَّرْ يَدِيَ الْشَّمْسِ الْمَحْنُوقُ بِأَنْثِيْنِي نَصْفِ الْفَيْضِ الْمَحْنُوقِ مَعَ نَصْفِ الْفَيْضِ الْبَيْتَنَزَّعْ نِئَ فَقَارَ الْهَالَّةَ ثُلُثُهُ إِرْبَعْ أسْهَمْ لَنَّهُ بِعَمْتِيْنِ السَّمَّى الْجَلْفَةُ نَصْفُ الْفَيْضِ الْمَحْنُوقِ وَهُوَ سَمَّى نَصْفُ سَمَاً ذَٰلِكَ ذَٰلِكَ مُحَذِّرُ وَلَدَلِّيْنِ نَصْفُ الْفَيْضِ الْمَحْنُوقِ وَهُوَ سَمَّى نَصْفُ سَمَاً ذَٰلِكَ ذَٰلِكَ وَرَبِيعُ الْهَالَّةَ إِنْ كُلُّ أَنْثِيٍّ فِيَّ نَصْفِ الْفَيْضِ الْمَحْنُوقِ وَذَٰلِكَ مَحْسُوٍ وَلَا بَّيْنَ بِأَعْتِبَارِ الْحَالّيٍّ وَنَصْفُ مِنْ أَرْبَعِينَ وَهُوَ الْحَجْمُ مِنْ ضَرِبِ أَحْدِ الْبَسْلَئِيْنِ وَفِي الْأَرْبَعَةُ فِي الْأَخْرِيٍّ وَفِي الْحَمْسَةِ ثُمَّ الْمَبْلِغُ فِي الْحَالّيٍّ نَبْيٌ كَانَ لَهُ شَيْئًا مِنْ الْحَمْسَةِ نَبْيٌ وَبِفِي الْأَرْبَعَةِ مِنْ كَانَ لَهُ شَيْئًا مِنْ الْأَرْبَعَةِ نَبْيٌ رَوْبُ فِي الْحَمْسَةِ نَسَرُ لِلْحَنْتَيِّي تَلْدَى عَشَرَ وَلَأْدَمَيْنِ ثَانِيَةً عَشَرَ وَلِلْبَيْتِ نَسْعَةُ أَسْهَمِ بِبَابِيْنِ
باب الجليل

بستردة الجليل ستئن ابي حنيفة رجع الله وأصدقائه وعند ليث بني سعد الغهير رجع الله ثلاث سنين وعند الشهير

بسط الله سبع سنين وأواخر السنة ثم يوافق الجليل

عند أبي حنيفة رجع للفصبين أربعة بني أصيب أربع بنات أهله أكثر ويحيى لمقيمة الورثة أثنا نصباء عن

محمد رجع الله يوفق تنصيب ثلاث بنيين أو ثلاث بنت

ابنها أكثر وعند ليث بني سعد رضي الله عنه يروية

آخره ينصيب أببن أو واحد روايتين عن أبي يوسف

رجع الله وعند هشام وروي الخبر عن أبي يوسف

رجع الله فقال تنصيب أببن واحد أو نت واحد ونصبه

النحو ويوجد الكافي على قولين كان الحكمة

البيت وجاء بالولد لتياء استمرّة الجليل أثنا بنها
ولم تكن الراحة تحت نعمة العدة سرت وورث عنوان
جاءت بالولد أكثر من أكثر مدة الحبل لا يريد ولا يبُورت
عندوان كان الحبل من غيرها وجاءت بالولد لدَّلَّهِاءِ أَشْرَرْ إذا
اقتيل يرتان جاءت بالولد أكثر من اقل مدة الحبل
لا ينطوي بعمق تجميل الحبل وقت الولادة كان يوجد
منهما أصالة في النوبة كصوت أو تطاولاً أو بعض أو ضحاء أو
تحرك بعضنا خرج اقتيل الولد ثم جاءت يرتان خرج
أصالة ثم ترتان فان خرج الولد مستقيماً فالقتير
mitted يعني اذ اخرج صدرة الجملة وإن خرج مندواً
فالقتير سردنا الأصل في تصحيح مسألة الحبل أن
تصحيح البسالة على تقدير بن أعني علي تقدير أن
الحبل ذكر وعلى تقدير اذاني ثم نظر بين تصحيح
البستين فان تواقيف الرب وفق احديهما في جميع
الخري وإن تواقيف الرب كله احديهما في جميع الآخر
فالحاصل
الحاصل تصحيح البسملة ثم بزمني من كان لدشيبي
من مسلسلة الزور تدي مسلسلة أنثوني أوفي فئام من كان
لدشيبي من مسلسلة أنثوني في مسلسلة الزور أوفي وقعة وقعة
كما ذكرتاني المحتل ثم انظر إلى الحاصلين من الصريح
أيه تعلم بعشي لذلك الزور والفصل بينهما مؤتوث في
نصتيا ذلك الزور فأنا أظهر الحبل فإن كان مستحيلاً
لجعل البطور فيها وإن كان مستحيلاً للبعض تيا خداً
ذلك البعض والباقي معسومين الورثة نعطي للكلي
وأحد من الورثا كان موقوفين نصيبه كيد أترك بيتنا
وابنوا ومرأة حاملة نا لبسلة من أربعة وعشرين علي
تعد بيران الحبل ذكره ومن سبعة عشرين علي تقديراته
اني وبين عدد ثقيح البسملتين توافق بالثلث
فاذاربوني واحد فاني جعيز الاخرصار الحاصل ماتيني
وسيفشرنها ومنها نفق البسالة وعلي تقدير ذكره
لما أتى سبعة وعشرون واثنين واثني عشر من الأعوام سنة
وثلاثين وعلي تعذر في الأئمة للشيء أربعون عشرون وثلاثين و
واحد من الأبوين آنذاك ونافذون بَنِيَ السُّبُعَاء للسَّبْعَاء
وعشرون وغيرهم من نصيبًا، إناثًا وشبانًا، وبعضهم نصيبًا
وكل واحد من الأربعة أربعة أربعون، وبعث إلى البيت ثلاثين عشرة
سهمًا لأن الهُوَّاف في حقهم نصيب أربعة بينين عند
التجنيبة رجاء لله وأن كان البنون أربعين نصيبه أربعة
وأربعة تساعين ممن أربعون عشرون مضرًاءً في نفس النصر
ثالثة عشرة، ولهونًا قدًا لآرائه الباطاني موقوف وقوامه وخشية
عشرة، لأنه ولد في وسط النوم، وأكثر تَجْعَيل الهُوَّاف
للبَنَّة، لَوْ تُنْتَهَى أمرًا واحدًا، وهذا نفع غدًا لله وأوائل البيين
ما مكان موقوف من نصيبهم وما بقي يقسم بين الأولان
وإن ظلًا ميتًا نفعي لآرائه وأوائله، ما كان موقوفًا
قصيهم، ولهنَّ البَنَّة، فيهم القِصْفون وخصية، وتسعود مهمًا
والبَنَّة،
بَاب ِ الْبِغْفُدَّةِ

البِغْفُدَّةِ مُنْهَى مُنْهَى لَأَرْضِيَاءِ يُحَدِّثُونَ، وَيُحَدِّثُونَ مُنْهَى مُنْهَى

لا يَتَحَرَّكُ بِهَا مَوْتُهُم وَلَا ضَرَّ بِهَا، وَهَذَا يَخْلِقُ الرَّجُلُ وَهَذَا يَخْلِقُ الرَّجُلُ

إِنِّي أَنَا ۗ ذَلِكَ الْحَقُّ وَإِنِّي أَنَا ۗ ذَلِكَ الْحَقُّ

بَلْ هُوَ ۡعَذَابٌ بَالۡهَا وَذَلِكَ أَنَا ۗ ذَلِكَ الْحَقُّ
من مالكان البغدادي ميت في مال غير الاصل في تصحيح مسائل البغدادي تصحح البسالة على تقرير حسبه ثم تصحيح البسالة على تثدي 답 وناتي وناتي العامل

ما ذكرناه نافي الجليل

فصل في البريدة

اذامبات البريدة ونRails، وتحف نداء التاريخ وحكم الغاضب

بايجوتنيا الكتب في حال إسلام دين وصولته المسلمين

وما استند في حال الردة وضع في نبت البال عند

أبي حنيفة رخَّب الله وعند هذين الكتبان جيعالورثه

المسليين وعند الشافعي رخَّب الله الكتبان وضعوان

في نبت البال ومالكسبة بعد الكبونود نداء الحر

نهوئين بإلجاية ونسب البريدة جيعالورثه المسليين

بالخلاف بين أحياءناريهم الله وأمابرند فلا يرث

من أحدلام من مسلم ولا من مرتمين مكدوندون وكدلك البريدة

لاتراث
لا أرى من أحد الآت الأُردُّدُ أهْلَ النَّاحِيَةِ بِجَمْعٍ فَمَّا يَقْبَلُ

بتوارث

باب الأسير

حكم الأسير كحكم سائر المسلمين في اليهود مالهم
يعاقب بينوتان دارف دنيا يحكم محكم البردنان لم يعلم
ردها ولا حياء ولا موتا كحكم البلدود
نصل في الغرفي والحرفي والهدمي
اذامات جباعة ولا يدري أيهم مات أو لم يجلوا أبائهم
ساتوامان نبال علم وكل منهم بورته الأحياء ولا يبرت
بعض الآمروات من بعض هذا هو الحمار وتال علي
وابن مسعود في أحد يرآه زيري عنده بعضهم
يرت من بعض الأشياء وربك سكول واحد منها من صاحبه
ثبت الغرّاض السرّية بعوز

الله تعالى
تشريف الكتاب

عدد الأورات

السائل

الآثاب

ابني بنت بنت بنت

ابن بنت بنت

ابن بنت بنت

ابن بنت بنت

الآخر

الروايني

بنت... بنت

بنت...

ابن بنت بنت

أو واحد هبة

من ابن

الآخر

البلاء

نصف سلمان كان

ذكوره

آخر

قد شرِّيح هذَه البِكَّارِب يعْتَقَل الْمَنَعَةِ الْبَلَاكِ الرَّحْمَةِ
قد تُطيع هذا الكتاب البسيط بالغرض السرافي بإدارة الأمارة ببلد كثيلة المعيبة وقد لكي يأمر سير وليم يونس الذي هو أحد حكام المملكة العالية السلطانية في سنة ألف ومائتين وواحد من الهجرة النبوية.
ERRORS OF THE PRESS.

TEXT.

P. 16, L. 4, for in read is.
P. 17, L. 5, from the bottom, for it it read if it.

COMMENTARY.

P. 58, L. 4, after me, omit the comma, and place it after ransom.
P. 68, L. 10, read AMRU.
P. 80, L. 5, before brothers read two.
P. 82, L. 4, for this read his.
P. 87, L. 7, from the top, for share read sharer.
P. 98, L. 12, read son of HINDA.

ORIGINAL.

P. 6, b. last line, read ﻭلأ

P. 11, b. L. 9, 11, for ﻤﺍ诵ٌ ﻱ ﻥ ﻱ read ﻱ ﻥ ﻱ

CORRECTIONS.

P. 60, L. 14, after allegiance; add, the last of which disabili ties relates only to such as are not Mufelmans.
P. 62, L. 11, after seems, end the paragraph thus; be disabled from succeeding to the property of the deceased, whom he could not in strictness be said to have killed.
P. 96, L. 13, after that, end the paragraph thus: although the brothers and sisters by the same mother only take equally, according to the Korin, without any distinction of sex, yet that exception to the general rule by no means extends to the ifrus of such brothers and sisters.
Kâsim being supposed to have survived, the same rule is applied to him; so that the daughter of each takes on the whole sixty; the mother, twenty; and the manumittor, ten pieces of gold.

THE END.
first died, could never be clearly ascertained. Now Amru left behind him a wife and a daughter; and Abla had an only son: in this case, by the opinion of Abu Hanifah and his followers, the four drowned persons are supposed to have perished in the same instant, and their several estates go to their surviving heirs respectively, according to the rules, which have been already explained; but by one of two traditions from Ali, the assets of Zaid being equally divided, and Abla being supposed to have outlived her father, her son takes one moiety in her right, while the other moiety is conceived at first to have vested in Bashab, and then in Amru, between whose widow and daughter it is distributable according to law. 2. Kasim and his younger half brother Hasan were drowned in the same boat, each leaving a mother, a daughter, and a patron, by whom each of them had been manumitted: then, if each of them left ninety pieces of gold on shore, the property of each must be severally distributed, according to the Hanifans; the daughter of each taking half, or forty-five pieces; the mother a sixth, or fifteen, and the manumittor, as residuary, the thirty pieces which remain; but according to Ali, the younger brother Hasan being first considered as the survivor, that residue vests in him, and is then distributed, in the just mentioned ratio; half of it, or fifteen, going to his daughter; a sixth, or five pieces, to his mother; and two, the residue, to his patron; next,
Amru, and fourteen are the right of the brother; but, if his death be proved, or presumed by lapse of time, the eighteen reserved shares must be divided equally between Sacína and Nadira, to complete their two sevenths, which the law gives, in that case, to each of them. The Persian commentator has added three cases, in one of which the two first divisors of the assets are composít to each other; but the operation in all of them is too easy to require an example.

In the sections concerning apostates and prisoners of war, there seems to be no obscurity; but it is proper to add, that, as the law is now settled, the heirs of an apostate, who were in being at the time of his death, are entitled to their legal shares, whether they were born before or after his apostasy; though a husband or wife cannot succeed to an apostate, because a change of religion is an immediate dissolution of the marriage.

We are now come to the concluding section, which cannot be better illustrated than by two feigned cases from the Persian and Arabian comments. 1. Zaid and his daughter Abla were at sea in the same ship, together with Bashar, his brother’s son, and his great nephew Amru, son of Bashar: the ship was lost, and all, who were in it, perished; so that which of them

* Page 57, 58.
on which an absent person may have a claim, be sufficiently clear from what has just preceded, yet a feigned case in illustration of it will not, perhaps, be thought wholly superfluous. If Hinda then die at Murjbedabád, leaving Amru her husband, with two sisters of the whole blood, Nádira and Sacíná, all residing in that city, and a whole brother Zaid, who has long been absent and unheard of, we must consider what effect his life or his death would have on the inheritance: if he be dead, Amru must have a moiety of the estate, and the sisters two thirds between them; and, if he be living, the widower will still have a right to his half, but Zaid will take twice as much as either of the sisters. Now, on the first supposition, the assets of Hinda must be divided, as we have shown, into seven shares, of which Amru must have three, and each of the sisters, two; but, on the second, into eight parts, four of which go to the husband, and two to the brother, while Nádira and Sacíná can have only one a piece; so that the widower has an interest in supposing Zaid alive, and the sisters, in supposing him dead: fifty-six, therefore, or the product of seven and eight, which are prime to one another, is the number of shares, into which the estate must be divided; twenty-four of them being delivered to Amru, and seven to each of the females, as the least shares to which they can in either event be severally entitled; if Zaid then return to the city, four shares more go to
second, the widow would have twenty-four; and each of the parents, thirty-two; while the posthumous daughter and her sister would divide the remainder between them, each taking sixty-four shares. Should four posthumous sons be born, ninety-nine shares would go to the widow and both parents; while the remainder would be divided among the children by the rule before mentioned, ZAINEB receiving thirteen parts, and each of her brothers, twenty-six; but, in the case of a miscarriage, the daughter would be entitled to a hundred and eight parts, or a moiety of the whole estate, and the nine parts remaining would go to LEBID as residuary heir.

The time, at which an absent person is presumed in law to be dead, has varied, we see, in different ages*; but the modern practice I understand to be this: if ZAID has been so long absent, that no man can tell whether he be dead or alive, and if seventy years have elapsed from the day of his birth, he is presumed to be dead, as to his own property, from the end of that term, but, as to his hereditary claims on the property of another, from the day of his absence; so that, in the first case, no person, dying within the seventy years, could have inherited any part of his estate; nor, in the second, could he inherit from any one, who died after the day, when he first was missed. Though the arrangement of an inheritance,
now proceed, since the rest of the chapter needs no illustration; unless it be necessary to inform the reader, that a widow ought by law to abstain for a certain time after her husband's death, from the cares of any other man; and, if she freely confess that she has not abstained, it cannot be certain, that her husband was the father of a child born more than six months after his death. Let us then suppose Amru to die, leaving a daughter Zaineb, his mother Asuma, his father Lebid, and his wife Hinda consint.* So that, if a male child be born, Amru's estate ought regularly to be divided into twenty-four parts, but, on the birth of a female, into twenty-seven; because, in the first case, the shares are an eighth, for the widow, and a sixth for each of the parents; but, in the second, besides the shares just mentioned, the daughters would have two-thirds between them, and it would be the case of Minberijja.† Now three is the common measure of twenty-four and twenty-seven, and the several measures of those numbers are eight and nine, either of which, multiplied into the other whole number, gives two hundred and sixteen for the product; and that, according to what has preceded, is the number of shares into which the inheritance must be actually divided. In the first case Hinda would have twenty-seven shares; Lebid and Asuma, each thirty-six; the posthumous ten seventy-eight, and Zaineb, his sister, thirty-nine; but, in the

* P. 47. † P. 15.
would have given twenty-four to the paternal, and twelve to the maternal, side; that is, six to each of Zaid's granddaughters, as such, and four to each of them, as granddaughters of Zaineb; two to each of Aaisha's grandsons; three to each grandson of Hareth, as such; and two more to each of them, as grandsons of Hinda; while one thirty-sixth part would have gone to each of Asima's female descendants. The reason of these different distributions will appear from what has preceded; but the arithmetical processes would fill many pages, and would be thought, I am persuaded, unnecessarily prolix.

On the chapter concerning hermaphrodites,* I shall make no particular observation; since monstrous births are, I trust, extremely rare in all countries, and the subject is too shocking to be discussed without actual necessity; nor will it answer, I imagine, any useful purpose to relate the old Arabian stories, and strange opinions of some lawyers, concerning the longest possible time of gestation;† which is now limited, on the authority of Aaisha, one of Mohammed's wives, to two years; and, though the Musk-mans have traditionary accounts of three, four, or even five children produced at one birth, yet the practice, we find, is to reserve the share of one son; or that of one daughter, if, on supposition of her birth, the sum reserved would be larger.‡ The practice of reservation for the unborn child is well explained by the case in the text, to which we may

* Page 42, 43. † Page 44. ‡ Page 45, 46.
is put by Sharif, I am unwilling to suppress it; especially as it will throw light on the whole subject before us. The father of Amru had a brother, Zaid, and two sisters, Zaineb and Aaisha, by the same father only: his mother also had a brother, Hareth, and two sisters by the same father, named Hinda and Asima: first, his father and mother died; then, all his uncles and aunts, leaving the following issue: Zaid left two daughter's daughters, who were also the daughters of Zaineb's son; Aisha, two sons of her daughter; Hareth, two daughter's sons, who were also the sons of the sons of Hinda; and Asima, two daughter's daughters; as in this pedigree:


D. — S.  D.  D. — S.  D.
  D. D.   S. S.   S. S.   D. D.

Amru himself afterwards died, with no heirs but the grandchildren of his uncles and aunts: In this case Abu Yusuf would have divided the inheritance into thirty parts; twenty for the paternal side; that is, five for each of the sons, and as many for each of the daughters, who have a double relation; and ten for the maternal side, or four for each of the sons, who are doubly related, and one for each of the daughters: but Mohammed, having divided Amru's estate into thirty-six allotments,
THE SIRAJIYYAH

HINDA — AMRU — Sulma (—Suhail) — UMAR

| Lebid | Zaineb | Azza | BeCr |

Zaid:

Amru, having had by Hinda a son, named Lebid, married Sulma, by whom he had a daughter, named Zaineb: after Amru's death, Sulma married Suhaill, to whom she produced Azza, and after his death, she married UmAr, by whom she became the mother of BeCr: now Zaid was the son of Lebid and Azza; and he died, leaving no heirs but BeCr the brother, by the same mother, of his mother Azza, and Zaineb, who was his paternal aunt by the same father Amru, and his maternal aunt by the same mother Sulma. In this case, the property of Zaid must be divided into nine parcels, of which the paternal aunt will have two thirds; and the remaining third will go to the maternal uncle and aunt in the ratio of two to one; so that Zaineb, in her two characters, will be entitled to seven ninths.

There seems no necessity to expatiating on the children of uncles and aunts, or on the cousins, as we should call them, in different degrees*; because the text will be sufficiently perspicuous to those, who perfectly understand the preceding sections: but, since a curious case

* Page 40, 41.
"through a sharer; if, there be an equality in that respect,
"the sides must be the same or different; if different,
"the distribution must be made in thirds, the paternal
"side having a double allotment; if the same, the sexes
"of the roots, or ancestors, must agree, or not; if they
"agree, the estate must be distributed according to the
"persons of the branches, or claimants; if not, accor-
"ding to the first rank that differs, as in the preceding
"class*."

III. There seems no difficulty in the chapter † on
the third class of distant kindred; but it must be re-
marked, that the branches, as they are called, from
roots by the same father only are excluded by the whole
blood; not those by the same mother only, who take
equally, according to the Korân, in exception to the
general rule, without any distinction of sex.

IV. Although the claims of uncles and aunts, in
three cases, be clearly explained in the text, ‡ yet it
may not be improper, to subjoin an example from the
commentary of Maulavi Kasim, which the following pe-
digree will make more intelligible than his dry state of
the case:

* Page 35. † Page 36, 37, 38. ‡ Page 39.
THE SIRA JIYAH.

the double portion of the male descendant, so as to bring the shares of the twelve claimants to the following order from the left hand, twelve, eight, four; nine, three, six; six, two, four; three, two, one. The correctness of this method has, it seems, obtained it a preference over that of Abu Yusuf, whose practice, however, is followed, on account of its facility, in Bokhara and some other places; although of the two different traditions from Abu Hanifa, that reported by Muhammad be the more publickly known and the more generally believed.

The reader would be unnecessarily fatigued, if we were to exhibit every step of the arithmetical process, by which the estate of Amrum must be distributed, according to the opinion of Muhammad, between his great grandson by females only, and his two great granddaughters, who have the advantage of a male in the line of descent*; nor does the section concerning the difference of sides require elucidation.

II. On the second class, or the grandfathers and grandmothers, who are excluded from shares, we need only sum up the doctrine of our author in the words of Sharif:—"The degrees in this case are either equal or unequal; if unequal, the nearer is preferred; if equal, the preference is given to the person claiming

* Page 34.
heirs die successively before the distribution, if the
shares vested in the last deceased do not quadrate with
the arrangement of his own estate, we must consider
all those, who died before him, as one deceased heir,
and himself as the second, and then work by the pre-
ceding rules": to give more examples would be very
easy, but the reader would find them insupportably
tedious.

All controversies on the claims of the next of kin,
who are neither sharers nor residuaries, are now at an
end *; for it seems to be settled, that they succeed ac-
cording to the order prescribed in our text.

I. On the first class of distant kindred the doctrine of
Abu Yusuf has far more simplicity than that of Muham-
med, in which there is an appearance of intricacy; but
an attentive reader will find no difficulty in the case re-
duced to the form of a table, in which the lowest of the
six ranks are supposed to be the claimants of Amru's
estate †: he will see, that Abu Yusuf would divide that
estate into fifteen parts, giving one to each of the female,
and two, by the rule in the Korân, to each of the male,
descendants; but that Mohammed would arrange it in sixty parcels, twenty-four of which would go to
the representatives of the three sons, and thirty-six to
those of the nine daughters; due regard being paid to

for both cases; for of thirty two parts nine will vest in Zuhra (six as mother to Zaineb, and three as grandmother to Hinda,) twelve in the two sons, three in Zubaida, and eight in Zaid’s representatives; since, to ascertain the share of each individual, the just-mentioned shares out of sixteen must be multiplied by two, and those out of six, by three, which is here called the measure of Hinda’s vested interest.

Let us fourthly suppose, that Zuhra also dies before any distribution, leaving her husband Cabab, and two brothers Calib and Tarif. Now her own estate is arranged by four, the husband taking a moiety, and each of the residuaries one fourth; but four and nine are prime to each other; and four, therefore, multiplied by thirty two, produces an hundred and twenty eight, the denominator of both cases: we must then multiply by four the shares out of thirty two, and by nine the shares out of four, and the products will be lots of the several claimants; eight parcels going to Latifa, sixteen to Abid, eight to Basira, forty eight in moieties to Hatif and Bashar, twelve to Zubaida, eighteen to Cabab, and eighteen in moieties to Calib and Tarif.

We need only add, that, although the conclusion of the chapter before us be obscured by its extreme conciseness, yet it plainly means, that “when any number of
as one to three; but, when Zaid has taken his fourth, the three fourths, which remain, cannot be distributed in that proportion; and, since three and four are prime to each other, we therefore multiply four, considered as the number of persons entitled to a return, into four, the denominator of the husband's share, and the square number answers the purpose of integral distribution; for of sixteen parcels Zaid will be entitled to four, Zuhra to three, and Hinda to nine.

Suppose next, that Zaid himself dies, before any distribution actually made, leaving only Latifa before-mentioned, his mother Basira, and his father Abid: here four parts of the former inheritance having vested in him, the distribution is easy; one part going to Latifa, as her fourth, one also to Basira, as her third of the residue, and two parts to Abid; in exact proportion to their several claims on his own estate.

Thirdly, suppose Hinda to die before any actual distribution, leaving the before-named Zuhra, her grandmother, Zubaida her daughter, and two sons, Hatif and Bashar: now she had a vested interest in nine parts out of the sixteen, and, her own estate being divisible into six parts, we observe, that nine and six are composit to each other, or agree, as the Arabian phrase is, in a third; so that a third of six, or two, must be multiplied into sixteen, and the product thirty two will be the denominator
THE SIRA'JIYYAH.

Yusuf and Muhammad, who dissented on this point from their master*: it is one of the clearest chapters in the Sirā'jiyyah, and will be useful to us, if the question should arise in a family of Shī'ahs, who follow, no doubt, the opinions of Ali and Zaid. The case called aCdariyya, which was decided by the son of Thabit, and has acquired such celebrity in Irāk, that it is distinguished among the lawyers of that country by the epithet of algharrā, or the luminous, is a perspicuous example of the grandfather's division in a double ratio with the sister: the conjecture, formerly hazarded by myself, that it was named aCdariyya, because the rules of inheritance are disturbed by it in favour of the grandfather, had occurred, I see, to some Arabs, and is mentioned by Sharif without disapprobation.

It will be necessary to illustrate by examples the chapter on succession to vested hereditary interests:† and, first, we may suppose, that Zaid had two wives, named Zaineb and Latīfa, and that Zaineb died possessed of separate property, leaving her husband, her mother Zuhra, and Hinda, her daughter by a former husband: now the legal shares, in order as the sharers are named, would be a fourth, a sixth, and a moiety; so that regularly the estate should be divided into twelve parts, but it is here divided into four, because there must be a return to Zuhra and Hinda, in the proportion of their shares, that is

* Page 24, 25, 26. † Page 27.
tion, that the taker of the specifick thing was dead or incapable of inheriting, there would be either a defect or an excess in some of the allotments to the other claimants.

There is no difficulty in the chapter on the return*, except what arises from the Arabick idiom, to which the reader is probably by this time habituated; but it is necessary to remark, that, although, by the letter of the Korán and the strict rules of law, no return can be made to the widower or widow, yet an equitable practice has prevailed, in modern times, of returning to them on failure of bearers by blood and of distant kindred. The last case in the chapter can rarely occur; and the result of the calculation (which fills ten pages in the Persian work of Maulavi Kasim) is, that, of 1440 parcels, the four widows take (36×5=) 180; the nine daughters, (36×28=) 1008; and the six female ancestors, (36×7=) 252; so that 45 parts go to each widow, 112 to each daughter, and 42 to each female ancestor.

The rights of the paternal grandfather have been more disputed than any other point of Arabian law; no fewer than seventy contradictory decisions having been made concerning them in the reign of Omar; but the dispute is now settled among the Sunnis according to the opinion of Abu Hanifa; and the chapter on division seems to have been inserted merely from respect to Abu

* Page 22, 23.
be made clear by a fuller explanation of the example in the text. We have seen, that the widower is entitled to a moiety, the mother to a third, and the uncle, to the residue; so that, if Laila's estate be divided into six parcels, the distribution may be made without a fraction: but if the widower agree to keep the mabr, or nuptial present to his wife, which he had never actually paid, instead of his three sixths of the whole, the remainder, after deducting the mabr, must be divided into three parts, of which the mother will have two, and the uncle, one. So, if the mother agree to take a jewel, or other specific thing, in lieu of her two sixths; or the uncle, a slave or a carriage, in the place of his sixth part, the remainder, which, would be four parts in the first case, and five in the second, must go to the other claimants in proportion to their shares. Again; if Amru leave his mother Fatima, two sisters by the same mother, Latifa and Solma, and the son of a paternal uncle, Selim; here also the inheritance must be divided, by the rule, into six parts: now, if the deceased left a female slave and thirty gold mobrs, and, if Solma consented to keep the slave instead of her legal share, or a sixth, the remainder of the property must then be divided into five parcels, six gold mobrs in each, of which Fatima and Latifa must receive each one parcel, and Selim, the three parcels, which remain. It is obvious, that, if the first calculation were made, in the preceding cases, on a supposi-
It seems needless to give examples of the simple rules for ascertaining the dividends of each class; but the passage concerning creditors, at the close of the chapter, is made obscure by extreme brevity, and requires a short illustration. Suppose the assets of Amru to be nine pieces of gold; his debts, five pieces to Saad, and ten to Ahmed; here the aggregate of the debts, fifteen, is composite to nine, and their measures are five, and three; so that, by the rule before-mentioned of distribution among heirs, Ahmed will receive six, and Saad, three pieces; but, had the debtor left thirteen, which would have been prime to the amount of both debts, then fifteen, standing in the place of the verification, as they call it, must be the divisor of the several products, arising from the multiplication of ten and five into thirteen, and the quotients 8½ and 4½ will be the respective dividends of Ahmed and Saad.

The practice of subtraction* arose from the case of Abdur'rahman and his four wives, decided in the reign of Othman; and the section concerning it will

* Page 21.
fures, and working according to the rule, we come to 210, which must be multiplied by twenty four, and the product gives the smallest number of parcels, into which Saad's estate can be duly divided: the products of that multiplicand (210) by 3, 4, 16, give 630, 840, 3360, which are the allotments of the wives, female ancestors, and daughters; and the allotment of each share appears at once from the following proportions:

<table>
<thead>
<tr>
<th>Share</th>
<th>First Shares</th>
<th>Multiplicand</th>
<th>Shares of Each</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 :</td>
<td>3</td>
<td>210</td>
<td>315</td>
</tr>
<tr>
<td>6 :</td>
<td>4</td>
<td>210</td>
<td>140</td>
</tr>
<tr>
<td>10 :</td>
<td>16</td>
<td>210</td>
<td>336</td>
</tr>
</tbody>
</table>

The last act of the Muslim judge is to make an actual division of the estate*; and we will suppose that Laila, in the case answered by Abbas, had left Zaineb and Abla, two sisters of the whole blood, with Amru, her husband, and Hinda, her mother; and that her property amounted only to twenty five gold mobrs: now the root of the case is increased, as we have seen, from six to eight, which is prime to twenty five; and the products of two, the share of each sister, of three, the share of the husband, and of one, the share of the mother, multiplied by the number of gold mobrs, are 50, 75, and 25, which, divided by eight, give the following shares: to each sister, 6 mobrs, 4 rupees; to Amru, 9 m. 6 r; to Hinda, 3 m. 2 r. Had Laila's estate been fifty gold mobrs, the distribution would have been thus:

* Page 20.
II. Hinda leaves her husband, both her parents, and six daughters; whose legal shares are a fourth, two sixths, and two thirds, of the inheritance: now the regular denominator of the lots would be twelve, but it is raised to fifteen; and since eight parcels cannot be distributed equally among six daughters, the measure of six, or three, is multiplied by fifteen; so that of forty-five lots nine may go to the husband, twelve to the parents, and twenty-four to the daughters, in exact proportion to their first distributive shares.

It will be very easy to apply the remaining rules to all the other examples given by Siraj'uddin*; but since, in the two last cases, which are not likely to occur, the inheritance must be divided into 4320 and 5040 parcels, the calculation, after the Arabian mode, in words at length, would be insufferably tedious, and the reader may make it in figures with little or no trouble. The latter of those two cases† is, however, subjoined; because it will fully explain the section, in which no examples are given. Saad leaves two wives, six female ancestors, capable of inheriting together, ten daughters, and seven paternal uncles, whose shares of twenty-four (the root, as they call it, of this case) are three, four, sixteen, and one; for the uncles can only take what the others leave. Now by observing the primes and mea-

* Page 18.
† Page 19.
unit alone, or some number, which the Arabs define a multitude composed of units. When the greatest common measure is found by the rule, they consider the two numbers as agreeing in a fraction, which has that common measure for its denominator and unit for its numerator; but the nature of the Arabick language makes it impossible to express in a single word the fractions less than a tenth: thus twenty seven and twenty four agree, as they express it, in a third; and a third of each number is called its wafk, or measure, as nine of twenty-seven, and eight of twenty-four. After this explanation of the word, which is translated the measure, there will be no difficulty in the following cases.

I. * Amru leaves only his father and mother and ten daughters: now, by the rule, his estate should be divided into six parts, because the share of each parent is a sixth, and that of all the daughters two thirds; but four parts cannot be distributed, without a fraction, among ten persons; for which reason we must multiply five, which is the measure of ten, into six, which is the first number of parcels, and the product thirty is the number of lots, into which the property of Amru must in fact be divided; each of his parents taking five lots, and each of his daughters two.

* Page 17.
first complained of the judgement, that Omar had made a similar decision; and this case acquired celebrity among the Arabs by the name of Shuraihiyya. The next case, which was answered at once by Ali, while he was haranguing the people in the mimbar, or pulpit, at Cufa, is fully stated in the text: the share of the widow was, regularly, an eighth; that of the daughters, two thirds; and that of each parent, a sixth; all which cannot be distributed out of twenty-four parcels; but Ali pronounced, that the property of the deceased should be divided into twenty-seven equal parts, of which the widow should have three; the daughters, sixteen; and the two parents, eight. It is recorded, that, when the person, who consulted Ali, was much dissatisfied with his answer, and asked whether the widow was not legally entitled to an eighth, the Caliph said rapidly, "it is become a ninth," and proceeded in his harangue with his usual eloquence.

The arithmetical part of the Sirajiyaa * is very simple, and may be found in the first pages of all our elementary books; but the difference of the Arabian idiom occasions a little obscurity. The chapter on primes and measures is founded on a simple analysis: when two numbers are compared, they are either equal or unequal; if unequal, either the smaller is an aliquot part of the greater, or they have a common measure, which must either be

* Page 16.
THE SIRÁJIYYAH.

fixed by positive law, and she cannot by any means be deprived of it; so that the shares of all the claimants must be diminished in exact proportion; for instance, if the property had been twenty four pieces of gold, the mother would claim eight, and each of the other heirs, twelve; now those claims cannot all be satisfied, but eight is to twelve, as six to nine, which will be the respective shares, according to the decision of Abbás.

Examples of the divisor six increased to seven and to nine, or of twelve to thirteen, fifteen, and seventeen, would appear equally ingenious, but would swell this commentary to an immoderate size: there are two decisions, however, deserving particular notice, because they were made in real causes, and have been universally approved. Zubaida left her husband Adnán, with two sisters of the whole blood, two sisters by the same mother only, and the mother herself; whose legal shares, in order as they are mentioned, were a moiety, two thirds, a third, and a sixth: it was impossible, therefore, to distribute them out of thirty pieces, for instance, divided into six equal parcels; but the judge, named Shuraih, divided the whole estate into ten parcels, each consisting of three pieces, and allotted them to the claimants in the proportion of their shares; that is to the husband, three parcels, to the sisters of the whole blood, four; to the half-sisters, two; and to the mother, one; assuring Adnán, who at
A COMMENTARY ON

Superfluous to add examples of all the cases, which must occur to every one, who has attentively perused the preceding parts of the work.

A case, which arose in the reign of Omar, has given occasion to some debate*: Laila died, leaving only Amru her husband, Hinda her mother, and Abla her sister of the whole blood. Now the husband and sister were each entitled to a moiety, and the mother, to a third, of Laila’s property, which, by the rule then established, could be divided into six parts only; but Abbas, a companion of Muhammad, being consulted by the Caliph, proposed, that the regular divisor should be so increased, that of eight parts Amru and Abla might each take three, and Hinda two. The son of Abbas, whose opinions were always rather ingenious than solid, was present at the decision; but, fearing the bad temper of the Caliph, suppressed at that time his own sentiments: he thought, that the sister, having (as we have seen) a weaker right, should bear the loss, because, where different rights concur, the weakest invariably yields; and he said, that, if an arithmetician could number the sands, yet he could never make two halves and a third equal to a whole; but this opinion has never been adopted, because, although the sister may in some cases be removed into a distinct class of heirs, yet, with a husband and a mother of the deceased, her share is

* Page 15.
and the rest to such of the residuaries as believed in the Korán; while Ibnu'l Masúd insisted, that the son was dead as to the right of inheriting, but alive as to the power of excluding, and thought that he drove the widdower from a moiety to a fourth part only of Solma's estate; but the former opinion has prevailed, and in a curious book (for which there must have been abundant materials) entitled The Diffusions of the Learned, it is admitted, that, by universal assent, if Amru leave a father, who is either a slave or an infidel, and a paternal grandfather, who is both free and a believer, the father is considered as dead in law to all purposes, and the grandfather is heir to Amru.

We come now to the Arabian method of ascertaining the smallest number of parcels, into which an estate can be divided, so as to avoid fractions in the legal distribution of it: that number we call the denominator, or divisor, of the estate; though the Arabick word mean literally the place of coming out; and the problem is easily solved by the following rules: if the two numbers in question be prime, multiply one of them into the other; if they be composé to each other, multiply the measure of one into the second, and the product will be the number sought. The whole section * is as clear as it could be made in a verbal translation; and it would be

* Page 14.
measures thirty by three and twenty by two; and five, the sum of those tenths, may be considered as standing in the place of the number of residuaries: again, five and three are prime to each other, and their product is fifteen, which, being multiplied into three, the first-mentioned denominator, produces forty five, the number of equal parcels, into which Harith’s estate must be divided; so that thirty, or two thirds, may be distributed in tens to the three daughters, and fifteen or the residue, in threes to the two, who redeemed their father; Zubaida taking in all nineteen, Amina sixteen, and Safiya, only ten, portions of the inheritance. This is the calculation of Sharif, and the grounds of it will presently appear; but the operation might have been shortened thus: multiply the denominator of the legal share into the number of sharers, and then multiply the product into the denominator of the residuary portions.

The chapter of exclusion* is very perspicuous; but the case of an unbelieving heir having really occurred in the time of Ali, we may insert it as a monument of early Arabian jurisprudence. Solma had embraced the new faith, and died, leaving her husband, and brothers by the same mother, who were all three believers, with a son, who continued an infidel: on a dispute concerning the inheritance, Ali and Zaid gave a moiety to the widower, considering the son as actually dead, a third to the half brothers,
the act of the party. Let it be premised, that marriage is prohibited between kindred of two classes; first, between all those in ascending or descending lines of consanguinity, who are called near; secondly, between brothers and sisters, and their issue, or between nephews or nieces and aunts or uncles, paternal or maternal, who are called intermediate; but, between those of the third, or distant, class, as the first or other cousins, there is no prohibition: now, if Amru or Hinda purchase a kinswoman or kinsman within either of the prohibited degrees, the slave becomes instantly free, and a right of succession vests in the purchaser, though the mastership began and ended in one moment. Call the three daughters of Hāreth a slave, Zubaida, Sāfiya, Amina, who derived freedom from their mother, and two of whom, the first and third, purchase Hāreth for fifty pieces of gold: he becomes in that instant free; and, if he die leaving property, two thirds of it go to his three daughters as their legal shares, and the residue belongs to the two, who procured him liberty; three fifths of it to Zubaida, who contributed her thirty, and two fifths to Amina, who added her twenty, pieces. To arrange the distribution without fractions, begin with three, the denominator of the legal share: now two, its numerator, is prime to the number of sharers; and one is prime also to five, the number of residuary portions; but thirty and twenty are composed to one another, since ten
because, in respect of freedom or slavery, a child has the condition of its mother, and he bears a relation to Amru her manumittor; but, should Laila give Cafur his freedom, he would draw that relation from Amru, through himself, to Laila, so that she would succeed to the son of Cafur and Merjana, if he died after his parents and without other heirs of the first or second class: the case would be similar, if Cafur being enfranchised, had bought a slave Misc, and given him in marriage to the freedwoman of Zaid; for, if the issue of that marriage had been a son, born free, but with a relation to Zaid, and if Cafur had then given Misc his liberty, he would have drawn from Zaid the relation of his freedman’s child, and transferred it, through himself, to Laila his former mistress. This doctrine of a relation (as the Arabs call it) first vested through the mother and then divested through the father, is founded on a decision of Othman in the case of Zubair and Rafi.

We had occasion before, to mention the difference (according to Abu Yusuf) between the father, and the grandfather, of the manumittor in regard to their succession, with his son, to the property of a freedman; nor can any thing of moment be added here; but it will be proper to explain at large the concluding case in the chapter of residuaries, which proves, that the relation of enfranchisement may arise by the act of law as well as by
and LAILA, by the traditionary rule, takes nothing; but, suppose LAILA herself to manumit her black slave SUSEN, who then purchases a slave MISC, and gives him freedom; and suppose SUSEN first, and MISC afterwards, to die without residuary heirs, in this case the estate of MISC goes to LAILA; nor would there be any difference, if the two manumissions had been conditioned to pay a certain sum of money at a certain time. The case of a manumission promised on the death of the mistress, has rather more difficulty; but an example will make it clear: LAILA promises NERGIS, that, on her death, he shall be free; but, by the persuasion of a Christian friend, she renounces her faith, and seeks refuge in a hostile country: now a believer cannot be the slave of an infidel; and the Mohammedan judge pronounces accordingly, that NERGIS has gained his freedom; but LAILA, repenting of her apostasy, returns to her native country and her former belief; after which NERGIS dies without heirs: LAILA succeeds as residuary to her promisee, as she would have succeeded to a slave of NERGIS purchased after the decision of the judge, if a similar promise of manumission at his death had been made by the master; and if that second promisee had died without heirs after her repentance and return. Should CAFUR, a slave of LAILA, marry, with her consent, MERJANA, the freedwoman of AMRU, the son of that couple would be born free,
For, if Amru, whom in the former case we supposed to be dead without issue, had lived and married his cousin Fatima, by whom he had a son Zaid, who died leaving property, Zubaida would have a triple relation to the deceased; first, as his maternal great grandmother's mother; secondly, as his paternal grandmother's grandmother; and thirdly, as the mother of his paternal great grandfather; but Zuhra has only a single relation to Zaid, as grandmother of his paternal grandfather Bashar.

In both these cases a sixteenth of the assets is divided equally between the two female ancestors, by the opinion of Abu Yusuf, and, according to one authority, by that of his great master also; but his fellow-student Muhammed (whose arguments, and the answers to them, it is needless to add) contended, that Zubaida would be entitled in the first case to two thirds, and, in the second, to three fourths, of that sixteenth part, according to the number of modes, in which she was related to Amru or Zaid.

No comment could add perspicuity to the chapter on residuary heirs, * until we come to the cases of inheritance from enfranchised slaves, † where a short elucidation of the text appears necessary. If Amru enfranchised Nergis, and die, leaving a son Bcr, and a daughter Laila; then, on the death of Nergis without residuary heirs by blood, his property goes wholly to Bcr,

* Page 10, 11.
† Page 12.
grandmother's mother, Zuhaír takes the whole inheritance; for he excludes Azza, and she, being nearer in degree, excludes Laila.

Let us conclude the subject with a case put by Sharif in illustration of the pedigree in the text: Zubaida gave her daughter's daughter Mayya in marriage to her son's son Bashar, and the young pair had a son Amru, who acquired an estate, and died: now Zubaida was both paternal and maternal great grandmother of Amru, and had, therefore, a double relation to him; but another woman, named Zuhra, had married her daughter Solma to Fāred, who was the son of Zubaida, brother of Abla, and father of Bashar; so that Zuhra was Amru's paternal grandmother's mother, and had only a single relation; as it will appear by the following arrangement of the family:

```
  Zuhra       Zubaida
  /  \          /  \       
Solma — Fāred  Abla
  /          /  \      /     
Bashar ———— Mayya ———— Amru
```

The case of a triple relation will be no less evident from the following pedigree:

```
  Zuhra       Zubaida
  /          /  \          /  \       
Solma — Fāred  Abla — Zaineb
  /          /     /  \      /     
Bashar ———— Mayya ———— Azza ———— Fatima
  /          /  \           
Amru ———— Zaid
```
of the estate, which ought by the general rule, to be divided into six parts, because six is the denominator of the share; but, to avoid a fraction, we must observe the proportion of one, or the sixth part, to two, or the number of persons entitled to it; and, since one and two are prime to each other, we must multiply two into six, and the product is the number of parts into which the property must be divided; so that of twelve cows or horses the great grandfather will have ten, and each of the great grandmothers, one.

The great grandfathers are called ancestors in the second, and their fathers, ancestors in the third, degree, and so forth; and it must be remarked that in these tables the number of female ancestors, who inherit with the males, is equal to the number of such degrees: thus in the following,

\[
\begin{array}{cccc}
F & M & M & M \\
F & M & M \\
F & M \\
F
\end{array}
\]

there are three great great grandmothers, and the estate must be divided into eighteen parts, because one and three are prime to each other. We suppose in both pedigrees, that the highest line only are left by the deceased Amru; for, by the text, the nearest female ancestor excludes the more distant; and, if he leave his father Zuhair, and his paternal grandmother Azza, with Laila his maternal
THE SIRÁJIYYAH.

73

* fion;* and, when that answer was reported to Abu Mu-

* sa, he said, "you must put no questions to me, as long

* as that illustrious lawyer remains with you." 7. * Al-

though the different rights of the mother in different cases

be very clearly explained, yet her title to a third of the

residue may be illustrated by two examples: first, if

Adhra leave only her husband WámiK, her mother

Sóáda, and her father Mázin, half of her estate goes

to WámiK, a third of the other half, or a sixth of the

whole, to Sóáda, and the remainder to Mázin; but,

secondly, if WámiK leave only his wife Adhra, his

mother Zaineb and his father Lébid, the widow takes

a quarter of his property, while Zaineb has a third, and

Lébid two thirds, of the remaining three quarters. 8.

In giving an example of the division between two great

grandmothers, † we may anticipate in some degree the

arithmetical part of the work, which will be found ex-

tremely clear and ingenious. The pedigree exhibited by

Sharíf is in this form:

<table>
<thead>
<tr>
<th>Father</th>
<th>Mother</th>
<th>Mother</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Father</td>
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Now: the paternal grandmother's m.o.thér, and the mother

of the paternal grandfather, are together entitled to a

sixth, and the paternal grandfather's father to the residue,
and, the residue being eight, **Omar** is entitled also to two thousand ducats, while **Umtiza** and the five women, who remain, have each one thousand, which they owe to the fortunate existence of **Omar**. 4*. The rights of sisters by the same father and mother, and (5.) those of sisters by the same father only, are explained in the text with sufficient clearness, but it is proper to observe, that the *fisib* case of the first class is comprised in the *seventh* case of the second; and that (6.) the sisters by the same mother have been mentioned in a former section. There will be no use in repeating the ingenious arguments of **Ibn Abas** in support of his dissent on many points from other old lawyers, nor the solid answers, which have been given to his objections; but a story, told by Sharrif, may here be repeated, because it conveys an idea of the traditionary Arabian law, and shows from what sources our excellent author derived his doctrine:  

*Hudhail* used to relate, that **Abu Musa**, being consulted on the distribution of an heritage among a daughter, a son’s daughter, and a sister, answered, *the first must have a moiety; the second, a sixth; and the third, what remains*; but “**Consult Ibn Masud**,” added he, and apprise me of his answer.” when **Ibn Masud** was consulted, he said, that he was present, when **Muhammad** himself gave the same deci-

* Page 7.
show more distinctly than an abstract rule, in what manner an estate is divisible, when a male descendant gives a residuary title to a female in the same, or in a higher, degree. Call the only surviving male descendant Omar, and suppose him to be the brother of Amina, who stands lowest in the first set of females: here the highest female in that set must receive a moiety of the assets; the next below her takes a sixth together with the highest of the second set, as the complement of two thirds; and the residue must be divided into five portions, of which Omar claims two and each of the females in the same degree, one; but the three females below them are excluded. If Omar be the brother of Zarifa, whom we suppose the lowest of the middle set, the remaining third of the estate must be distributed in sevenths, because there are five females, three in a higher, and two in an equal, degree with Omar, who must always have a double portion; and, if he be the brother of Unaiza, the lowest female of the third set, (who, on the former supposition, would have been excluded) there will be six female residuaries entitled to portions with Omar, but in a subduple ratio; so that, if Amru died worth twenty-four thousand ducats, the daughter of his son takes twelve thousand of them; the two daughters of his sons' sons receive each two thousand;
tage; and, if Omar himself had survived, his daughters would have been wholly excluded. The six cases, therefore, or different situations, of the female issue of Omar may be thus recapitulated: 1. A single female takes a moiety. 2. Two or more have two thirds. 3. A male in the same, or a lower, degree than themselves, gives them a residuary right in a subduple ratio to his own. 4. With a daughter of Amru, who is entitled to half, they would have only a sixth, to make up the regular share of the female issue. 5. They are excluded, if Amru left more daughters than one, but no male issue in any equal, or a lower, degree. 6. A son also of Amru wholly excludes them. In the three first cases, their legal claims correspond with those of daughters: but in the three last their rights are weaker, because they are in a remoter degree from the deceased.

The pedigree exhibited in the text* is called by the Arabs the tašbih, because, in their opinion, it sharpens the understanding, and captivates the fancy as much as the composition of an elegant love-poem, which the word literally signifies; but, without adopting so wild a metaphor, we may truly say, that it is very perspicuous, and that no comment, after what has been premised, could render it clearer. An example, however, will

* Page 6.
twenty-four thousand pieces of gold, his only child Fátima takes twelve thousand as her share; but, if she have three sisters, Azza, Latifa, and Zubaida, two thirds of the estate, or sixteen thousand pieces, are equally divided between the four girls; and, if there be a son Omar, he must receive, in the first case, sixteen thousand, while Fátima has eight; and, in the second, eight thousand, while she and her sisters take each four thousand, pieces. 3. If Omar had died before his father, leaving female issue, and his father had then died without any daughter of his own, the daughters of Omar would have had precisely the same shares, to which those of Amru himself would have been entitled; but, had Fátima been living, she would have taken half the estate, or twelve thousand pieces of gold, and a sixth only, or four thousand; the complement of two thirds or sixteen thousand, would have been equally distributed among her nieces. Had Fátima and Azza been at that time alive, they would have taken their legal share, to the exclusion of their brother's female issue, unless the right of that issue had been sustained by a male in an equal, or a lower degree, who would have made them residuaries, "the male taking, by "the rule, the portion of two females"; but a male in a higher degree would not have given them that advan-
whole right of succession to the manumittee vested in Omar.

Let us proceed to the shares of the females; and 1. If Amrū die without children, and without any issue of a deceased son, his widow Hindā must receive a fourth of his aslets; but her share is an eighth only*, if any such issue be living: should he leave more widows than one, they take equal parts of such fourth or eighth; so that the legal share of the widower is always in a double ratio to that of the widow or widows: as, if Hindā die worth twenty-four thousand zecchins, her surviving husband Amrū must be entitled either to twelve or to six thousand; and if Amrū die with the same estate, his widow Hindā must have either six or three thousand for her sole share; or; if Zaineb and Abla had also been legally married to Amru, the three widows must receive either two or one thousand zecchins each, as the case may happen. 2. One daughter takes a moiety, and two or more daughters have two thirds, of their father's estate; but, if the deceased left a son, the rule, expressed in the Korān, is this: "to one male give the portion of two females"; and the daughters in that case are not properly sharers, but residuary heirs with the son, their part of the inheritance being always in a subduple ratio to his part. Thus, if Amrū die worth

* Page 5.
ZAID and SALIM will appear from the four following examples. 1. The paternal grandmother would be excluded by ZAID her son, but not by his father, her husband, SALIM. 2. If AMRU or HINDA leave a father ZAID, a mother SOLMA, and a widow ZAINEB, or widower HARETH, the mother takes a third part of what remains after ZAINEB or HARETH has received the legal share; but, if SALIM be substituted for ZAID, she would have a right to a third of the whole assets, according to the prevailing opinion, although ABU YUSUF thought her entitled, even in that case, to no more than a third of the remainder. 3. The brothers of the whole blood, and those by the same father only, are excluded from the inheritance by ZAID the father, but not by the grandfather SALIM, as the best lawyers agree, dissenting on this point from their master ABU HANIFAH. 4. If AMRU had manumitted his slave YASMIN, and died, leaving his father ZAID and a son OMAR, a sixth part of the right of succession to YASMIN would have vested, according to ABU YUSUF, in ZAID, but, if the paternal grandfather SALIM had been left instead of the father, the whole interest would have vested in the son: in this case that illustrious lawyer ultimately dissented from his master and from his fellow-student MUHAMMED, who were both very justly of opinion, that, whether ZAID or SALIM were alive on the death of the manumittor, the
there is no distinction of sex; both brothers and sisters by the same mother only having an equal right and an equal share in the distribution. 4. A moiety of Hinda's estate, if she die without children, or the issue of a deceased son, goes to her widower Amru, who, if she leave such issue, has no more than a fourth.

As examples of the father's rights, let us suppose Amru to have died worth two thousand four hundred pieces of gold, leaving his father Zaid, and either a son or a son's son, Omar: in this case the four hundred pieces are the share of Zaid, and Omar takes the remaining two thousand; but, if Amru leave only his father Zaid and either a daughter, or son's daughter, Laila, the father is first entitled to the four hundred pieces, or sixth part; and, after Laila has received twelve hundred, or a moiety of the estate, (which, as we shall see, is her share in this case) he takes, as resduary, the eight hundred pieces, which remain; so that the property of Amru is equally divided between them. Should no relation be left but Zaid the father, and Lebid the brother, of the deceased, Lebid is excluded; and the whole estate goes to Zaid. If, in the three preceding cases, the paternal grandfather Salim had been left instead of Zaid, his rights would have been precisely the same; and the only difference between
We begin with the *males* in the order of the shares before enumerated; and, 1. The father of *Amru* or *Hindah* takes *a sixth* absolutely, though a *son* of the deceased be living, or any male descendant, who claims wholly through males; but, if there be no such male descendant, he becomes a *residuary heir*; and, if there be only a *daughter* of the deceased, or a *female* descendant from the son, he first has his legal share, or a *sixth*, and, when her share also has been allotted, he claims the residue. 2. The true grandfather is excluded from any share by the living father, *through whom* alone the grandfather bore a relation to the deceased; and, although a similar reason might afterwards be applied to the mother, and operate to the exclusion of her children, yet the father has the additional strength of a double title, both as a *sharer* and as a *residuary*: but, if the father also be dead, *his* father, or true paternal ancestor, has exactly the same interest, except in four cases, which will be presently mentioned. 3. A single half brother, by the same mother only, takes a *sixth*, and two or more such half-brothers, a *third*; provided that the deceased left neither children, nor male issue of a son, nor a father, nor a true grandfather; by any of whom the brothers by the same mother are excluded; and this article brings us necessarily to one class of *female sharers*; for, *in this instance,*
one denomination, the magistrate, or his officer, must proceed to the distribution of the shares; and, as they are a moiety, a fourth, an eighth, two thirds, one third, and a sixth, of the aggregate sum, it will be convenient at first to consider that sum as consisting of twenty-four equal parts, so that the shares will be, in whole numbers, twelve, six, three, sixteen, eight, and four.

THE shares are twelve persons, four males and eight females; but, before we specify their respective allotments, it is necessary to premise, that a grandfather and a grandmother, according to the Arabian idiom, signify a male, and a female, ancestor in any degree; that a true grandfather is he, between whom and the deceased no female ancestor intervened; that a false grandfather is, where the paternal line of descent was broken by the intervention of a female; and that a grandmother also is called true, when no false grandfather intervened between her and the deceased: in short, the only true line of ancestry, according to the Arabs, is an uninterrupted succession of paternal forefathers. The male sharers then are the father, the true grandfather, the brother by the same mother only, and the widower: the females are the widow, the daughter, the female issue of the son, the sister of the whole blood, the sister by the same father only, the sister by the same mother only, the mother herself, and the true grandmother.
in a state of warfare, the first being called by lawyers the state of peace, and the second, the state of hostility. A difference of country, therefore, which excludes from the right of inheriting, is either actual and unqualified, as when an alien enemy resides in the state of hostility, or when an alien has chosen his domicil in the state of peace, and pays the tribute exacted from infidels, in which case the tributary shall not be heir to the alien enemy dying abroad, nor conversely, because each of them owed a separate allegiance; or the difference is qualified*, as when a fugitive enemy seeks quarter, and obtains a temporary residence in the state of peace, or when two alien enemies are fugitives from two different hostile countries: now, although the tributary and the fugitive actually live in the same kingdom, yet, since the fugitive continues a subject of the hostile power, he remains, as it were, under a different government, and there is no mutual right of succession between him and the tributary; nor, by similarity of reason, between two fugitives, who leave two distinct hostile governments, and obtain quarter for a time in the land of believers, but without any intention of making it their constant abode.

IF none of these four incapacities preclude the heirs of Amru from the legal succession to his estate, which we will suppose already sold and reduced to money of

* Page 3.
arrow at a wild beast, and the arrow by accident were to kill Zaid, or if Mazin were to fall from his terrace upon Zuhaier and kill him by his fall; in which cases the slayers would not be permitted to inherit from the slain. If, however, a man were to dig a pit, or fix a large stone, on the field of another, and the owner of the field were to be killed by falling at night into the pit, or running against the stone, the doer of the illegal act, which was the primary occasion (but not the cause) of the death, must pay the price of blood, but would not, it seems, be generally disabled from inheriting: he ought, one would think, to be incapable of succeeding to the property of the deceased, whom he destroyed, and whom he might have meant to destroy, by such a machination.

3. An unbeliever shall never be heir to a believer, nor conversely; but infidel subjects may inherit from infidels.

4. The difference between two states or countries consists in the difference of sovereigns, by whom protection is given to their respective subjects, and to whom allegiance is respectively due from them: this difference is particularly marked between a country governed by a Mohammedan power and a country ruled by a prince of any other religion; for they are always, virtually at least,
he may work out his manumission by prudence and industry, and by degrees pay the price of his freedom, may suggest an excellent mode of enfranchising the black slaves in our plantations, with great advantage to our country and without loss to their proprietors.

2. Homicide is either with malice prepense and punishable with death, or without proof of malice, and expiable by redeeming a Muselman slave, or by fasting two entire months, and by paying the price of blood; or, thirdly, it is accidental, for which an expiation is necessary. Malicious homicide, or murder (for, by the best opinions, the Arabian law on this head nearly resembles our own) is committed, when a human creature is unjustly killed with a weapon, or any dangerous instrument likely to occasion death, as with a sharp stick or a large stone, or with fire, which has the effect, says Kásim, of the most dangerous instrument, and, by parity of reason, with poison or by drowning; but those two modes of killing are not specified by him; and there is a strange diversity of opinion concerning them: killing without proof of malice is, when death ensues from a beating or blow with a slight wand, a thin whip, or a small pebble, or with any thing not ordinarily dangerous: accidental death is, when it was neither designed nor could have been prevented by ordinary care, as if Amru were to shoot an
dying without a representative. All such escheats to the sovereign go towards a fund for charitable uses; and according to the system of Zaid, the son of Thabit, which has been shortly explained in a former publication, that fund, if it be regularly established, is entitled to the whole estate on failure of residuary heirs, without any return to the sharers, and to the entire exclusion of the four last classes; but this doctrine seems quite exploded.

BEFORE we proceed to the law of shares, it is proper to take notice of the four impediments to succession; which are slavery, homicide, difference of religion, and difference of country, or of allegiance, the last only to which we are refered.

1. SLAVERY, by the Mohammedan law, is either perfect and absolute, as when the slave and all, that he can possess, are wholly at the disposal of his master, or imperfect and privileged, as when the master has promised the slave his freedom on his paying a certain sum of money by easy instalments, or, without any payment, after the death of the master: a female slave, who has borne a child to her master, is also privileged; but in both sorts of slavery, as long as it continues, the slave can acquire no property, and consequently cannot inherit. The Arabian custom of allowing a slave to cultivate a piece of land, or set up a trade, on his own account, so that
and make the same proposal to Amru, who likewise accepts it, the contract is mutual and similar, and they are _successors by contract_ reciprocally.

5. If no such agreement had been made, but if Amru in his lifetime had acknowledged Za'id, a man of an unknown pedigree, to be his _brother_ or his _uncle_, that is, to be related to him by his _father_ or by his _grandfather_, though in truth he had no such relation, and the bare acknowledgement of Amru cannot be admitted as a proof of it, yet, if Amru die without retracting his declaration, Za'id is called the _acknowledged kinsman by a common ancestor_, and stands in the _fifth_ class of successors, but takes the estate before the general devisee.

6. Last of all comes the person, to whom the deceased had left the whole of his property by a will duly made and proved; for, though the law secures to his heirs of the _five preceding classes two thirds_ of his estate, yet it so far respects his _dominion_, while he lived, over his own property, and his _will_ as to the disposal of it after his decease, that it will rather give effect to an intention not strictly conformable to law, (for the Koran seems to allow _pious bequests_ only) than suffer his estate to escheat; which must be the consequence of his
A COMMENTARY ON

for *special cause*, the former of whom are preferred in
the order of succession; the latter are the masters,
or mistresses of enfranchised slaves, or their *male residuary*
heirs. If no *sharers* be living, the *residuaries* take the
whole; but, if there be *sharers* by *consanguinity* and no
residuaries, a farther portion of the inheritance *reverts*
to them, though never to the widower or to the widow,
while any heirs by blood are alive.

3. On failure of the two preceding classes, the distri-
bution is made among those *next of kin*, who are nei-
ther *sharers* nor *residuaries*: they may be called the
distant kindred.

4. Should none of the distant kindred be living and
capable of inheriting, the estate goes (unless there be a
widower or a widower, who is first entitled to a *share*) to
him, who may be called the *successor by contract*; and of
that succession it is necessary to give an example: if
*Amru*, a man of an unknown descent, say to *Zaid*,
"Thou art my kinsman, and shalt be my successor after
my death, *paying for me*, any fine and ransom to
which I may become liable," and *Zaid* accept the
condition, it is a valid contract by the *Arabian* law;
and, if *Zaid* also be a man whose descent is unknown,
the text by no means implies, has been taken between a determinate and an indeterminate legacy.

IV. We come now to the distribution of his estate, remaining after the payment of debts and legacies, among his heirs (for so we may call them, although real and personal property are undistinguished in the laws of the Arabs) according to certain rules derived from three sources, the Korán, the genuine system of oral traditions from the legislator, and those opinions in which the learned and orthodox have generally concurred: the order, and proportions, in which the property of AM-RU or HINDA must be distributed, constitute the principal subject of the work, which we have undertaken to explain.

1. The first class of heirs are they, who may be called sharers, because a certain share of the estate is expressly allotted to each of them in the Korán, and particularly in the fourth chapter of it.

2. Next come they, who may be distinguished by the name of residuaries, because they take the residue after the shares have been duly distributed; and they are of two sorts, residuaries by consanguinity and residuaries

• Page 2.
II. After the burial, all the just debts of the deceased must be paid out of his remaining assets, as far as they extend; and, if there be many creditors, they must be satisfied in equal proportion, except that a debt of health, to use the Arabian phrase, must be discharged before a debt of sickness; that is, a debt contracted or acknowledged, while the party was of sound understanding and body, is preferred, when legally proved, to one acknowledged in sickness, but of which no other evidence is produced. A religious vow, or promise of a charitable donation, as an atonement for sin, constitutes a debt in conscience only; and the sum thus promised must be paid out of a third part of the assets, after the legal creditors have been satisfied, provided that it was bequeathed by will; but, if no will was made, the temporal estate shall not be charged with a mere debt of religion.

III. The legacies of a Muslim, to the prejudice of his heirs, must not exceed a third part of the property left by him, and remaining after the discharge of his debts: over a third of such residue he has absolute power; and his legatee shall receive it immediately, whether a specific thing or certain sum of money, or only a fractional part of his estate, was bequeathed. This is the opinion of Shari'ah; though a distinction, which
man, would be held a prodigal superfluity, and less than those, a niggardly deficiency, of expense, so, if the funeral clothes of Amru or Hinda were dearer than the vesture usually worn by them, when alive, it would be a culpable excess; and if cheaper, a blamable defect; but, if in fact they had been used to wear one sort of apparel on solemn festivals, another in visiting their friends, and a third, in their own houses, the value of their visiting dress must regulate that of their burial, and either extreme would be too prodigal or too parsimonious. Should their debts, indeed, cover the whole of their property, the legal expense of the funeral must be reduced to the sufficient expense, as it is called; that is, to two pieces of cloth for Amru and to three for Hinda: the names, dimensions, and uses of all the cloths used in funerals, both for men and for women, are enumerated in Persian by Māalāzī Kāsim; but it would be useless to mention them; and it seems only necessary to add on this article, that, if deceased persons leave no property whatever, or none without a special lien on it, the funeral expenses must be paid by such of their relations, as would have been compelled by law to maintain them, when living; and, if there be no such relations, by the publick treasury, in which there is always an ample fund arising from forfeitures and escheats.
ly relating to the dead, it is properly opposed to all other laws, which prescribe the duties and ascertain the rights of the living; but we merely take notice of the sentence, that no part of the Sirajjyab may be unexplained, and proceed to the four acts, which, on the decease of a Mohammedan, are to be successively performed by the magistrate, or under his authority.

I. A regard to publick decency and convenience, as well as to publick religion and health, seems in all nations to require, that the bodies of deceased persons be removed out of sight, with all due speed and solemnity, at a moderate expense to be defrayed, even before the payment of their just debts, out of the property left by them, on which no legal claim, from hypothecation or otherwise, had previously attached; but the Muselman lawyers, who admit, that the funeral charges must in the first place be defrayed, assign a very whimsical reason for such a priority: because, they say, the winding-sheet and other clothes of the dead are analogous to suitable apparel worn by the living, and consequently should not be liable to the claims of a creditor. The legal expenses of burying a Mohammedan are very moderate, both in the number and value of the clothes, in which the deceased is to be wrapped: as more than three pieces of cloth for a man, or than five pieces for a wo-
A COMMENTARY
ON
THE SIRÁJIYYAH.

In our administration of justice to Mohammedans according to their own laws, it will be of no use to inquire, what their legislator meant by declaring, that the law of inheritances constituted one half of juridical knowledge*: if he intended any thing more than a strong assertion of its importance, he probably had in contemplation the two general modes of acquiring property, contrâets and succession, or the agreement of parties and the operation of law; and this explanation of the phrase, which had occurred to me on my first perusal of it, is also suggested by Sayyad SHARÍF, together with a more fanciful interpretation, which Miulavi Kásim has adopted, that, life and death being incident to our probationary state in this world, and the law of succession manifest-
ON A CAPTIVE.

The rule concerning a captive is like the rule of other believers in regard to inheritance, as long as he has not departed from the faith; but, if he has departed from the faith, then the rule concerning him is the rule concerning an apostate; but, if his apostasy be not known, nor his life nor his death, then the rule concerning him is the rule concerning a lost person.

ON PERSONS DROWNED, OR BURNED, OR OVERWHELMED IN RUINS.

When a company of persons die, and it is not known which of them died first, they are considered, as if they had died at the same moment; and the estate of each of them goes to his heirs, who are living; and some of the deceased shall not inherit from others: this is the approved opinion. But 'Ali, and IBNU MAS'UD, according to one of the traditions from them, that some of them shall inherit from others, except in what each of them has inherited from the companion of his fate.

THE END.
ON AN APOSTATE.

WHEN an apostate from the faith has died naturally, or been killed, or pass'd into a hostile country, and the Kudi has given judgement on his passage thither, then what he had acquired, at the time of his being a believer, goes to his heirs, who are believers; and what he has gained since the time of the apostasy is placed in the publick treasury, according to ABU HANIFAH, (may GOD be merciful to him!) but, according to the two lawyers, (ABU YÚSUF and MUHAMMED) both the acquisitions go to his believing heirs; and, according to ALŠÁFÍ, (may God be merciful to him!) both the acquisitions are placed in the publick treasury; and what he gained after his arrival in the hostile country, that is confiscated by the general consent: and all the property of a female apostate goes to her heirs, who are believers, without diversity of opinion among our masters, to whom God be merciful! but an apostate shall not inherit from any one, neither from a believer nor from an apostate like himself, and so a female apostate shall not inherit from any one; except when the people of a whole district become apostates altogether, for then they inherit reciprocally.
but HASAN, the son of ZIYAD, reports from ABU HANIFAH, (may GOD be merciful to him!) that the term is an hundred and twenty years from the day on which he was born; and MUHAMMED says, an hundred and ten years; and ABU YUSUF says, an hundred and five years; and some of them, the learned, say, ninety years; and according to that opinion are decisions made. Some of the learned in the law say, that the estate of a lost person must be reserved for the final regulation of the Imam, and the judgement suspended as to the right of another person, so that his share from the estate of his ancestors must be kept, as in the case of pregnancy; and, when the term is elapsed, and judgement given of his death, then his estate goes to his heirs, who are to be found, according to the judgement on his decease; and, what was reserved on his account from the estate of his ancestor, is restored to the heir of his ancestor, from whose estate that share was reserved; since the lost person is dead as to the estate of another.

The principle in arranging cases concerning a lost person is, that the case be arranged on a supposition of his life, and then arranged on a supposition of his death; and the rest of the operation is what we have mentioned in the chapter of pregnancy.
sons are four, then her allotment is one share and four ninths of a share out of four-and-twenty multiplied into nine, and that makes thirteen shares; and this belongs to her, and the residue is reserved, which amounts to an hundred and fifteen shares. If the widow bring forth one daughter or more, then all the part reserved goes to the daughters; and, if she bring forth one son or more, then must be given to the widow and both parents what was reserved from their shares; and what remains must be divided among the children: and, if she bring forth a dead child, then must be given to the widow and both parents what was reserved from their shares, and to the daughter a complete moiety, that is, ninety-five shares more, and the remainder, which is nine shares, to the father, since he is the residuary.

ON A LOST PERSON.

A LOST person is considered as living in regard to his estate; so that no one can inherit from him; and his estate is reserved, until his death can be ascertained; or the term for a presumption of it has passed over: now the traditional opinions differ concerning that term; for, by the clearer tradition, "when, not one of his equals in age remains, judgement may be given of his death;"
them must be reserved from the allotment of that heir; and, when the child appears, if he be entitled to the whole of what has been reserved, it is well; but, if he be entitled to a part, let him take that part, and let the remainder be distributed among the other heirs, and let there be given to each of those heirs what was reserved from his allotment: as, when a man has left a daughter and both his parents, and a wife pregnant, then the case is rectified by twenty-four on the supposition, that the child in the womb is a male, and by twenty-seven on the supposition, that it is a female: now between the two numbers of the arrangement there is an agreement in a third; and, when the measure of one of the two is multiplied into the whole of the other, the product amounts to two hundred and sixteen, and by that number is the case verified; and, on the supposition of its male sex, the wife takes twenty-seven shares, and each of the two parents, thirty-six; but, on the supposition of its female sex, the wife has twenty-four, and each of the parents, thirty-two; and twenty-four are given to the wife, and three shares from her allotment are reserved; and from the allotment of each of the parents are reserved four shares; and thirteen shares are given to the daughter; since the part reserved in her right is the allotment of four sons, according to ABU HANÍF AH, (may GOD be merciful to him!) and when the
or smiling, or moving a limb; and, if the smallest part of
the child come out, and he then die, he shall not inherit;
but if the greater part of him come out, and then he die,
he shall inherit: and, if he come out straight (or with
his head first) then his breast is considered; I mean, if his
whole breast come out, he shall inherit; but if he come
out inverted (or with his feet first) then his navel is con-
sidered.

The chief rule in arranging cases on pregnancy is,
that the case be arranged by two suppositions, I mean by
supposing, that the child in the womb is a male, and by
supposing, that it is a female: then, compare the arrange-
ment of both cases; and, if the numbers agree, multiply
the measure of one of the two into the whole of the other;
and, if they disagree, then multiply the whole of one of
the two into the whole of the other, and the product will
be the arranger of the case: then multiply the allotment
of him, who would have something from the case, which
supposes a male, into that of the case, which supposes a
female, or into its measure; and then that of him, who
takes on the supposition of a female, into the case of the
male, or into its measure, as we have directed concerning
the hermaphrodite; then examine the two products of that
multiplication; and whether of the two is the lesser, that
shall be given to such an heir; and the difference between
reserved the portion of three sons or of three daughters, whichever of the two is most: LAITH, son of SAD, (may GOD be gracious to him!) reports this opinion from him; but, by another report, there is reserved the portion of two sons; and one of the two opinions is that of ABU YÚSUF (may GOD be merciful to him!) as HISHÁM reports it from him; but ALKHAŚÁF reports from ABU YÚSUF (may GOD be merciful to him!) that there should be reserved the share of one son or of one daughter; and, according to this, decisions are made; and security must be taken, according to his opinion. And, if the pregnancy was by the deceased, and the widow produce a child at the full time of the longest period allowed for pregnancy, or within it, and the woman hath not confessed her having broken her legal term of abstinence, that child shall inherit, and others may inherit from him; but, if she produce a child after the longest time of gestation, he shall not inherit, nor shall others inherit from him; and if the pregnancy was from another man than the deceased, and she, the kinswoman, produce a child in six months or less, he shall inherit; but, if she produce the child after the least period of gestation, he shall not inherit.

NOW the way of knowing the life of the child at the time of its birth, is, that there be found in him that, by which life is proved; as a voice, or sneezing, or weeping,
is the product of one of the numbers in the two cases, which is four, multiplied into the other, which is five, and that product multiplied by two (which is the number of the) cases; and then he, who takes any thing by five, has it multiplied into four, and he, who takes any thing by four, has it multiplied into five; so that thirteen shares go to the hermaphrodite, and eighteen to the son, and nine to the daughter.

ON PREGNANCY.

The longest time of pregnancy is two years, according to Abu Hanifa (may God be merciful to him!) and his companions; and according to Laith, the son of Sad Alfaami, (may God be merciful to him!) three years; and, according to Alshafi, (may God be merciful to him!) four years: but according to Al-Zuhri, (may God be merciful to him!) seven years: and the shortest time for it is six months. There is reserved for the child in the womb, according to Abu Hanifa (may God be merciful to him!) the portion of four sons, or the portion of four daughters, whichever of the two is most; and there is given to the rest of the heirs the smallest of the portions; but, according to Muhammed (may God be merciful to him!) there
of a daughter, since that is ascertained: and according
to AAMIR ALSHABI, (and this is the opinion of
IBNU ABBAS, may GOD be gracious to them both!) the
hermaphrodite has a moiety of the two shares in the
controversy; but the two great lawyers differ in putting
in practice the doctrine of ALSHABI; for ABU YUSUF
says, that the son has one share, and the daughter half a
share, and the hermaphrodite three fourths of a share,
since the hermaphrodite would be entitled to a share, if
he were a male, and to half a share, if he were a female,
and this is settled by his taking half the sum of the two
portions; or, we may say, he takes the moiety which is
ascertained, together with half the moiety which is dis-
puted, so that there come to him three-fourths of a share;
for he (ABU YUSUF) pays attention to the legal share
and to the increase, and he verifies the case by nine: or,
we may say, the son has two shares, and the daughter
one share, and the hermaphrodite a moiety of the two al-
lotments, and that is a share and half a share. But MU-
HAMMED (may GOD be merciful to him!) says, that
the hermaphrodite would take two fifths of the estate,
if he were a male, and a fourth of the estate, if he were a
female, and that he takes a moiety of the two allotments,
and that will give him one fifth and an eighth by attention
to both sexes; and the case is rectified by forty; since that
ever is related by the mother, and there too regard is shown to strength of consanguinity: then, according to ABU YUSUF, (may GOD be merciful to him!) what belongs to each set is divided among the persons of their branches, with attention to the number of sides in the branches; and, according to MUHAMMED, (may GOD be merciful to him!) the property is distributed by the first line, that differs, with attention to the number of the branches and of the sides in the roots, as in the first class; then this rule is applied to the sides of the paternal uncles of his parents and their maternal uncles; then to their children; then to the side of the paternal uncles of the parents of his parents, and to their maternal uncles; then to their children, as in the case of residuaries.

ON HERMAPHRODITES.

'TO the hermaphrodite, whose sex is quite doubtful, is allotted the smaller of two shares, I mean the worse of two conditions, according to ABU HANIFAH, (may GOD be merciful to him!) and his friends, and this is the doctrine of the generality of the Prophet's companions, (may GOD be gracious to them!) and conformable to it are decisions given; as, when a man leaves a son, and a daughter, and an hermaphrodite, then the hermaphrodite has the share
them be by the same father and mother, and the other by
the same father only, then all the estate goes to the claim-
ant, who has the strength of consanguinity, accord-
ing to the clearer tradition; and this by analogy to
the maternal aunt by the same father, for though she
be the child of a distant kinsman, yet she is pre-
ferred, by the strength of consanguinity, to the ma-
ternal aunt by the same mother only, though she be the
child of an heir; since the weight which prevails by itself,
that is, the strength of consanguinity, is greater than the
weight by another, which is the descent from an heir.
Some of them (the learned) say, that the whole estate
goes to the daughter of the paternal uncle by the same
father, since she is the daughter of a residuary; and, if
they be equal in degree, yet the place of their relation
differ, they have no regard shown to the strength of con-
sanguinity, nor to the descent from a residuary, according
to the clearer tradition; by analogy to the paternal
aunt by the same father and mother, for though she
have two bloods, and be the child of an heir on both
sides, and her mother be entitled to a legal share, yet she
is not preferred to the maternal aunt by the same father;
but two thirds go to whoever is related by the father; and
these regard is shown to the strength of blood; then to
the descent from a residuary; and one third goes to who-
M
ternal aunt by the same mother, or a maternal aunt by the same father and mother, and a paternal aunt by the same mother only, then two thirds go to the kindred of the father, for they are the father's allotment, and one third to the kindred of the mother, for that is the mother's allotment; then what is allotted to each set is divided among them, as if the place of their consanguinity were the same.

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ON THEIR CHILDREN, AND THE RULES CONCERNING THEM.

The rule as to them is like the rule concerning the first class; I mean, that the best entitled of them to the succession is the nearest of them to the deceased on which ever side he is related; and, if they be equal in relation, and the place of their consanguinity be the same, then he, who has the strength of blood, is preferred, by the general assent; and, if they be equal in degree and in blood, and the place of their consanguinity be the same, then the child of a residuary is preferred to whoever is not such; as, if a man leave the daughter of a paternal uncle, and the son of a paternal aunt, both of them by the same father and mother, or by the same father, all the property goes to the daughter of the paternal uncle; and, if one of
brother by the same father and mother, by the unanimous opinion of the learned, since she is the child of a residuary, and hath also the strength of consanguinity.

ON THE FOURTH CLASS.

THE rule as to them is, that, when there is only one of them, he has a right to the whole property, since there is none to obstruct him; and, when there are several, and the sides of their relation are the same, as paternal aunts and paternal uncles by the same mother with the father, or maternal uncles and aunts, then the stronger of them in consanguinity is preferred, by the general assent; I mean, they, who are related by father and mother, are preferred to those, who are related by the father only, and they, who are related by the father, are preferred to those, who are related by the mother only, whether they be males or females; and, if there be males and females and their relation be equal, then the male has the allotment of two females; as, if there be a paternal uncle and aunt both by one mother, or a maternal uncle and aunt, both by the same father and mother, or by the same father, or by the same mother only: and if the sides of their consanguinity be different, then no regard is shown to the strength of relation; as, if there be a paternal aunt by the same father and mother, and a ma-
In this case, according to ABU YUSUF, the property is divided among the branches of the whole blood, then among the branches by the same father, then among the branches by the same mother, according to the rule "the male has the allotment of two females," in fourths, by considering the persons; but, according to MUHAMMED (to whom GOD be merciful!) a third of the estate is divided equally among the branches by the same mother, in thirds, by considering the equality of their roots in the division of the parents, and the remainder among the branches of the whole blood in moieties, by considering in the roots the number of the branches; one half to the daughter of the brother, the portion of the father, and the other between the children of the sister, the male having the allotment of two females, by considering the persons; and the estate is correctly divided by nine. If a man leave three daughters of different brothers' sons, in this manner:

THE DECEASED.

Daughter — Daughter — Daughter

of a Son of a Brother by the same

Father and Mother — Father — Mother

all the property goes to the daughter of the son of the
MUHAMMED (may GOD be merciful to him!) divides the property among the brothers and sisters in moieties, considering as well the number of the branches, as the sides in the roots; and what has been allotted to each set is distributed among their branches, as in the first class: thus, if a man leave the daughter of the daughter of a sister by the same father and mother, she is preferred to the son of the daughter of a brother by the same father only, according to ABU YUSUF (to whom GOD be merciful!) by reason of the strength of relation; but, according to MUHAMMED, (may GOD be merciful to him) the property is divided between them both in moieties by consideration of the roots. So, when a man leaves three daughters of different brothers, and three sons and three daughters of different sisters, as in this figure:

THE DECEASED.
Sister — Sister — Sister — Brother — Brother

by the same

Mother — Father — Father — Mother — Father — Father

and Mother and Mother

Son Son Son Daughter Daughter Daughter
Daughter Daughter Daughter

L
ON THE THIRD CLASS.

The rule concerning them is the same with that concerning the first class; I mean, that he is preferred in the succession, who is nearest to the deceased: and, if they be equal in relation, then the child of a residuary is preferred to the child of a more distant kinsman; as, if a man leave the daughter of a brother's son, and the son of a sister's daughter, both of them by the same father and mother, or by the same father, or one of them by the same father and mother, and the other by the same father only: in this case the whole estate goes to the daughter of the brother's son, because she is the child of a residuary; and, if it be by the same mother only, distribution is made between them by the rule, "A male has the share of two "females," and, by the opinion of ABU YUSUF (to whom GOD be merciful!) in thirds, according to the persons, but, by that of MUHAMMED, (may GOD be merciful to him!) in moiety's according to the roots; and, if they be equal in proximity, and there be no child of a residuary among them, or if all of them be children of residuaries, or if some of them be children of residuaries, and some of them children of those entitled to shares, and their relation differ, then ABU YUSUF (to whom GOD be merciful!) considers the strongest in consanguinity; but
ON THE SECOND CLASS.

He among them, who is preferred in the succession, is the nearest of them to the deceased, on which side forever he stands; and, in the case of equality in the degrees of proximity, then he, who is related to the deceased through an heir, is preferred by the opinion of Abu Suhail, surnamed Alferaidi, of Abu Fudail Alkhasaf, and of Ali, the son of Isai Albasri; but, no preference is given to him according to Abu Sulaiman Aljurjani, and Abu Ali Al Baihathi Albusti. If their degrees be equal, and there be none among them, who is related through an heir, or, if all of them be related through an heir, then, if the sex of those, through whom they are related, agree, and their relation be on the same side, the distribution is according to their persons; but if the sex of those, to whom they are related, be different, the property is distributed according to the first rank that differs in sex, as in the first class; and, if their relation differ, then two thirds go to those on the father's side, that being the share of the father, and one third goes to those on the mother's side, that being the share of the mother: then what has been allotted to each sex is distributed among them, as if their relation were the same.
A S E C T I O N.

O U R learned lawyers (on whom be the mercy of GOD!) consider the different sides in succession; except that ABU YUSUF (may GOD be merciful to him!) considers the sides in the persons of the branches, and MUHAMMED, (on whom be GOD's mercy!) considers the sides in the roots; as, when a man leaves two daughters of a daughter's daughter, who are also the two daughters of a daughter's son, and the son of a daughter's daughter, according to this scheme:

THE DECEASED.

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In this case, according to ABU YUSUF, the property is divided among them in thirds, and then the deceased is considered as if he had left four daughters and a son; two thirds of it, therefore, go to the two daughters, and one third to the son: but, according to MUHAMMED (to whom GOD be merciful!) the estate is divided among them in twenty eight parts, to the two daughters twenty two shares (sixteen in right of their father and six shares in right of their mother) and to the son six shares in right of his mother.
GOD's mercy! the property is divided among the branches in seven parts, by considering their persons; but, according to MUHAMMED, (to whom GOD be merciful!) the property is distributed according to the highest difference of sex, I mean in the second rank, in sevenths, by the number of branches in the roots; and, according to him, four sevenths of it go to the daughters of the daughter's son's daughter; since that is the share of their grandfather, and three sevenths of it, which are the allotment of the two daughters, are divided between their two children, I mean those in the third rank, in moieties; one moiety to the daughter of the daughter's son, which is the share of her father, and the other moiety to the two sons of the daughter's daughter, being the share of their mother: the correct divisor of the property is, in this case, twenty eight. The opinion of MUHAMMED (on whom be GOD's mercy!) is the more generally received of the two traditions from ABU HANIFAH (to whom GOD be merciful!) in all decisions concerning the distant kindred; and this was the first opinion of ABU YUSUF; then he departed from it, and said that the roots were by no means to be considered.
in one class, and the females in another class, after the division, and what goes to the males is collected and distributed according to the highest difference, that occurs among their children, and, in the same manner, what goes to the females; and thus the operation is continued to the end according to this scheme:

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Thus MUHAMMED (to whom GOD be merciful!) takes the sex from the root at the time of the distribution, and the number from the branches; as, if a man leave two sons of a daughter’s daughter’s daughter, and a daughter of a daughter’s daughter’s son, and two daughters of a daughter’s son’s daughter, in this form:

**THE DECEASED,**

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<tr>
<td>Two Daughters</td>
<td>Daughter</td>
<td>Two Sons</td>
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_in this case_ according to ABU YUSUF (on whom be
He concurs with the other two; and he considers the persons of the roots, if their sexes be different, and, he gives to the branches the inheritance of the roots, in opposition to the two lawyers. For instance, when a man leaves a daughter's son, and a daughter's daughter, then, according to ABU YUSUF and ALHASAN, the property is distributed between them, by the rule "the male has the portion of two females," their persons being considered; and, according to MUHAMMED, in the same manner; because the sexes of the roots agree: and, if a man leave the daughter of a daughter's son, and the son of a daughter's daughter, then, according to the two first mentioned lawyers, the property is divided in thirds between the branches, by considering the persons, two thirds of it being given to the male, and one third to the female; but, according to MUHAMMED, (on whom be GOD's mercy!) the property is divided between the roots, I mean those in the second rank, in thirds, two thirds going to the daughter of the daughter's son, namely, the allotment of her father, and one third of it to the son of the daughter's daughter, namely, the share of his mother. Thus, according to MUHAMMED, (to whom GOD be merciful!) when the children of the daughters are different in sex, the property is divided according to the first rank that differs among the roots; then the males are arranged
HANIFAH, (on whom be the mercy of GOD!) that the nearest of the four sorts is the first, then the second, then the third, then the fourth, like the order of the residuaries; and this is taken as a rule for decision. According to both ABU YUSUF and MUHAMMED, the third sort has a preference over the maternal grandfather.

ON THE FIRST CLASS.

The best entitled of them to the succession is the nearest of them in degree to the deceased; as the daughter's daughter, who is preferred to the daughter of the son's daughter; and, if the claimants are equal in degree, then the child of an heir is preferred to the child of a distant relation; as the daughter of a son's daughter is preferred to the son of a daughter's daughter; but, if their degrees be equal, and there be not among them the child of an heir, or, if all of them be the children of heirs, then, according to ABU YUSUF (may GOD be merciful to him!) and ALHASAN, son of ZIYAD, the persons of the branches are considered, and the property is distributed among them equally, whether the condition of the roots, as male or female, agree or disagree; but MUHAMMED (on whom be GOD's mercy!) considers the persons of the branches, if the sex of the roots agree, in which respect
ritance for the distant kindred, but the property undisputed of is placed in the publick treasury"; and with him agree MALIC and ALSHAFII, on whom be GOD's mercy! Now these distant kindred are of four classes: the first class is descended from the deceased; and they are the daughters' children, and the children of the son's daughters. The second sort are they, from whom the deceased descend; and they are the excluded grandfathers and the excluded grandmothers. The third sort are descended from the parents of the deceased; and they are the sisters' children and the brothers' daughters, and the sons of brothers by the same mother only. The fourth sort are descended from the two grandfathers and two grandmothers of the deceased; and they are, paternal aunts, and uncles by the same mother only, and maternal uncles and aunts. These, and all who are related to the deceased through them, are among the distant kindred.

ABU SULAIMAN reports from MUHAMMED the son of ALHASAN, who reported from ABU HANIFAH (on whom be GOD's mercy!) that the second sort are the nearest of the four sorts, how high soever they ascend; then the first, how low soever they descend; then the third, how low soever; and lastly, the fourth, how distant soever their degree: but ABU YUSUF and ALHASAN, the son of ZIYAD, report from ABU
It be not right, then to see whether there be an agreement between the two, and multiply the measure of the second arrangement into the whole of the first arrangement; and, if there be a disagreement between them, then multiply the whole of the second arrangement into the whole of the first arrangement, and the product will be the denominator of both cases. The allotments of the heirs of the first deceased must be multiplied into the former multiplicant, I mean into the second arrangement or into its measure; and the allotments of the heirs of the second deceased must be multiplied into the whole of what was in his hands, or into its measure; and, if a third or a fourth die, put the second product in the place of the first arrangement, and the third case in the place of the second, in working; and thus in the case of a fourth and a fifth, and so on to infinity.

ON DISTANT KINDRED.

A DISTANT kindred is every relation, who is neither a sharer nor a residuary. The generality of the Prophet's companions repeat a tradition concerning the inheritance of distant kinsmen; and, according to this, our masters and their followers (may GOD be merciful to them!) have decided; but Zaid, the son of THABIT, (on whom be GOD's grace!) says: "there is no inhe-
The root is regularly six, but is increased to nine; and a correct distribution is made by twenty-seven. The case is called accar’iyab, because it occurred on the death of a woman belonging to the tribe of ACDAR. If, instead of the sister, there be a brother or two sisters, there is no increase, nor is that case an accar’iyab.

ON SUCCESSION TO VESTED INTERESTS.

If some of the shares become vested in inheritances before the distribution, as if a woman leave her husband, a daughter, and her mother, and the husband die, before the estate can be distributed, leaving a wife and both his parents, if then the daughter die leaving two sons, a daughter, and a maternal grandmother, and then the grandmother die leaving her husband and two brothers, the principle in this event is, that the case of the first deceased be arranged, and that the allotment of each heir be considered as delivered according to that arrangement; that, next, the case of the second deceased be arranged, and that a comparison be made between what was in his hands; or vested in interest, from the first arrangement, and between the second arrangement, in three situations; and if, on account of equality, what is in his hands from the first arrangement quadrate with the second arrangement, then there is no need of multiplication; but, if
when a woman leaves her husband, a grandfather, and a brother; or a third of the residue is given, when a man leaves a grandfather, a grandmother, and two brothers, and a sister by the same father and mother. Or a sixth of the whole estate is given, when a man leaves a grandfather and a grandmother, a daughter, and two brothers; and, when a third of the residue is better from the grandfather, and the residue has not a complete third, multiply the denominator of the third into the root of the case. If a woman leave a grandfather, her husband, a daughter, her mother, and a sister by the same father and mother, or by the same father only, then a sixth is best for the grandfather, and the root of the case is raised to thirteen, and the sister has nothing. Know, that ZAID, the son of THABIT (on whom be GOD's grace!) has not placed the sister by the same father and mother, or by the same father, as entitled to a share with the grandfather, except in the case, named acdariyyah, and that is, the husband, the mother, a grandfather, and a sister by the same father and mother, or by the same father only; in which case the husband ought to have a moiety; the mother, a third; the grandfather, a sixth; and the sister, a moiety; then the grandfather annexes his share to that of the sister, and, a division is made between them by the rule "a male has the portion of two females;" and this is, because the division is best for the grandfather.
GOD's mercy!) the grandfather, with brothers or sisters of the whole blood and by the father's side, takes the best in two cases, from the mukāsamāh, or division, and from a third of the whole estate. The meaning of mukāsamāh is, that the grandfather is placed in the division as one of the brethren, and the brethren of the half blood enter into the division with those of the whole blood, to the prejudice of the grandfather; but, when the grandfather has received his allotment, then the half blood are removed from the rest, as if disinherited, and receive nothing; and the residue goes to the brethren of the whole blood; except when, among those of the whole blood there is a single sister, who receives her legal share. I mean the whole after the grandfather's allotment: then, if any thing remains, it goes to the half blood; if not, they have nothing; and this is the case, when a man leaves a grandfather, a sister by the same father and mother, and two sisters by the same father only: in this case there remains to those sisters a tenth of the estate, and the correct denominator is twenty; but, if there be, in the preceding case, one sister by the same father only, nothing remains for her; and if one, entitled to a legal share, be mixed with them, then, after he has received his share, the grandfather has the best in three arrangements; either the division,
her, who is not entitled to it; and the product will be the denominator of the shares of both classes; as if there be four wives, and nine daughters, and six female ancestors: then multiply the shares of those, to whom no return must be made, into the case of those, who are entitled to a return, and the shares of those, to whom a return is to be made, into what remains of the denominator of the share of those, who are not entitled to a return. If there be a fraction in some, adjust the case by the before-mentioned principles.

ON THE DIVISION OF THE PATERNFAL GRANDFATHER.

ABUBECR the Just, (on whom be the grace of GOD!) and those, who followed him, among the companions of the Prophet, say, “the brethren of the whole blood and the brethren by the father’s side inherit not with the grandfather;” this is also the decision of ABU HANIFA, (on whom be GOD’s mercy!) and judgements are given conformably to it. ZAID the son of THABIT, indeed, affirms, that they do inherit with the grandfather, and of this opinion are both ABU YUSUF and MUHAMMED, as well as MALIC and ALSHAFII. According to ZAID, the son of THABIT (on whom be
third is, when in the first case, there is any one to whom no return can be made: then give the share of him or her, to whom there is no return, according to the lowest denominator, and if the residue exactly quadrate with the number of persons, who are entitled to a return, it is well; as if there be a husband and three daughters; but, if they do not agree, then multiply the measure of the number of the persons, if there be an agreement between the number of persons and the residue, into the denominator of the shares of those, to whom no return is to be made: as if there be a husband, and six daughters; if not, multiply the whole number of the persons into the denominator of the share of those, to whom there is no return; and the product will set the case right. The fourth is, when, in the second case, there are any to whom no return is made: then divide what remains from the denominator of the share of him or them, who have no return, by the case of those, to whom a return must be made, and, if the remainder quadrate, it is well; and this is in one form; that is, when a fourth goes to the wives, and the residue is distributed in thirds among those entitled to a return; as if there be a wife, and a grandmother, and two sisters by the mother's side: but, if it do not quadrate, then multiply the whole case of those, who are entitled to a return, into the denominator of the share of him or
titled to them, when there is no legal claimant of it: this surplus is returned to the sharers according to their rights, except the husband or the wife; and this is the opinion of all the Prophet's companions, as Ali and his followers, may God be gracious to them! And our masters (to whom God be merciful!) have assented to it: Zaid, the son of Thabit says, that the surplus doth not revert, but goes to the publick treasury; and to this opinion have assented Urwah and Alzuhrî and Mâlic and Alshafî, may God be merciful to them!

NOW the cases on this head are in four divisions: the first of them is, when there is in the case but one sort of kinsmen, to whom a return must be made, and none of those who are not entitled to a return: then settle the case according to the number of persons; as, when the deceased has left two daughters, or two sisters, or two female ancestors; settle it, therefore, by two. The second is, when there are joined in the case two or three sorts of those, to whom a return must be made, without any of those, to whom there is no return: then settle the case according to their shares; I mean by two, if there be two sixths in the case; or by three, when there are a third and a sixth in it; or by four, when there are a moiety and a sixth in it; or by five, when there are in it two thirds and a sixth, or half and two sixths, or half and a third. The
the property left and the case; but, if there be a dis-
agreement between them, then multiply into the whole of
the property left, and divide the product by the whole
number arising from the verification of the case; and the
quotient will be the portion of that class in both methods.
Now, as to the payment of debts, the debts of all the
creditors stand in the place of the arranging number.

**ON SUBTRACTION.**

WHEN any one agrees to take a part of the property
left, subtract his share from the number arising by the
proof, and divide the remainder of the property by the
portions of those who remain; as if a woman leave her
husband, her mother, and a paternal uncle: now sup-
pose that the husband agrees to take what was in his
power of his bridal gift to the wife; this is deducted
from among the heirs: then what remains is divided be-
tween the mother and the uncle in thirds, according to
their legal shares; and thus there will be two parts for
the mother, and one for the uncle.

**ON THE RETURN.**

THE return is the converse of the increase; and it
takes place in what remains above the shares of those en-
G
share of each class from the root of the case to the number of persons one by one, and that, according to such proportion from the multiplied number, a share be given to each individual of that class.

ON THE DIVISION OF THE PROPERTY LEFT AMONG HEIRS AND AMONG CREDITORS.

If there be a disagreement between the property left and the number arising from the arrangement, then multiply the portion of each heir, according to that arrangement, into the aggregate of the property, and divide the product by the number of the arrangement; but, when there is an agreement between the arrangement and the property left, then multiply the portion of each heir, according to the arrangement into the measure of the property, and divide the product by the measure of the number arising from the arrangement; the quotient is the portion of that heir in both methods. This rule is in order to know the portion of each individual among the heirs; but, in order to know the portion of each class of them, multiply what each class has, according to the root of the case, into the measure of the property left, then divide the product by the measure of the case, if there be an agreement between
are mutabiyān, or not agreeing one with another; and then the rule is, that the first of the numbers be multiplied into the whole of the second, and the product multiplied by the whole of the third, and that product into the whole of the fourth, and the last product into the root of the case; as, if a man leave two wives, six female ancestors, ten daughters, and seven paternal uncles.

SECTION.

WHEN thou desirest to know the share of each class by arrangement, multiply what each class has from the root of the case by what thou hast already multiplied into the root of the case, and the product is the share of that class; and, if thou desirest to know the share of each individual in that class by arrangement, divide what each class has from the principle of the case by the number of the persons in it, then multiply the quotient into the multiplicand, and the product will be the share of each individual in that class. Another method is, to divide the multiplied number by whichever class thou thinkest proper, then to multiply the quotient into the share of that set, by which thou hast divided the multiplied number, and the product will be the share of each individual in that set. Another method is by the way of proportion, which is the clearest; and it is, that a proportion be ascertained for the
ment between those portions and the persons, then the whole number of the persons, whose shares are broken, must be multiplied into the root of the case, as if a woman leave her husband and five sisters by the same father and mother. Of the four other principles the first is, that, when there is a fractional division between two classes or more, but an equality between the numbers of the persons, then the rule is, that one of the numbers be multiplied into the root of the case; as if there be six daughters, and three grandmothers, and three paternal uncles. The second is, when some of the numbers equally measure the others; then the rule is, that the greater number be multiplied into the root of the case; as, if a man leave four wives and three grandmothers and twelve paternal uncles. The third is, when some of the numbers are mutawafık, or composite, with others; then the rule is, that the measure of the first of the numbers be multiplied into the whole of the second, and the product into the measure of the third, if the product of the third be mutawafık, or, if not, into the whole of the third, and then into the fourth, and so on, in the same manner; after which the product must be multiplied into the root of the case: as, if a man leave four wives, eighteen daughters, fifteen female ancestors, and six paternal uncles. The fourth principle is, when the numbers
tween them; but, if they agree in any number, then they are (said to be) mutawafik in a fraction, of which that number is the denominator; if two, in half; if three, in a third; if four, in a quarter; and so on, as far as ten; and, above ten, they agree in a fraction; I mean, if the number be eleven, the fraction of eleven, and, if it be fifteen, by the fraction of fifteen. Pay attention to this rule.

ON ARRANGEMENT.

In arranging cases there is need of seven principles; three, between the shares and the persons, and four between persons and persons. Of the three principles the first is, that, if the portions of all the classes be divided among them without a fraction, there is no need of multiplication, as if a man leave both parents and two daughters. The second is, that, if the portions of one class be fractional, yet there be an agreement between their portions and their persons, then the measure of the number of persons, whose shares are broken, must be multiplied by the root of the case, and its increase, it it be an increased case, as if a man leave both parents and ten daughters, or a woman leave a husband, both parents, and six daughters. The third principle is, that, if their portions leave a fraction, and there be no agree-
ON THE EQUALITY, PROPORTION, AGREEMENT, AND DIFFERENCE OF TWO NUMBERS.

THE $temâthul$ of two numbers in the equality of one to the other; the $tedâkbul$ is, when the smaller of two numbers exactly measures the larger, or exhausts it; or we call it $tedâkbul$, when the larger of two numbers is divided exactly by the smaller; or we may define it thus, when the larger exceeds the smaller by one number or more equal to it, or equal to the larger; or it is, when the smaller is an aliquot part of the larger, as three of nine. The $torvîsuk$, or agreement, of two numbers is, where the smaller does not exactly measure the larger, but a third number measures them both, as eight and twenty, each of which is measured by four, and they agree in a fourth; since the number measuring them is the denominator of a fraction common to both. The $tabûyun$ of two numbers is, when no third number whatever measures the two discordant numbers, as nine and ten. Now the way of knowing the agreement or disagreement between two different quantities is, that the greater be diminished by the smaller quantity on both sides, once or oftener, until they agree in one point; and if they agree in unit only, there is no numerical agreement be-
or with some of them, then the division must be into twelve; and when an eighth is mixed with all of the second part, or with some of them, then it must be into four and twenty parts.

ON THE INCREASE.

Aül, or increase, is, when some fraction remains above the regular divisor, or when the divisor is too small to admit one share. Know, that the whole number of divisors is seven, four of which have no increase, namely, two, three, four, and eight; and three of them have an increase. The divisor, six, is, therefore, increased by the säul to ten, either by odd, or by even, numbers; twelve is raised to seventeen by odd, not by even, numbers; and twenty-four is raised to twenty-seven by one increase only; as in the case, called Mimeriyya, (or a case answered by Ali when he was in the pulpit,) which was this, "A man left a wife, two daughters, "and both his parents." After this there can be no increase, except according to Ibn Masûd, (may God be gracious to him!) for, in his opinion, the divisor twenty-four may be raised to thirty-one; as if a man leave a wife, his mother, two sisters by the same parents, two sisters by the same mother only, and a son rendered incapable of inheriting.
may, as all the learned agree, exclude others; as, if there be two brothers or sisters or more, on which ever side they are, they do not inherit with the father of the deceased, yet they drive the mother from a third to a sixth.

ON THE DIVISORS OF SHARES.

KNOW, that the six shares mentioned in the book of Almighty GOD are of two sorts: of the first are a moiety, a fourth, and an eighth; and of the second sort are two thirds, a third, and a sixth, as the fractions are halved and doubled. Now, when any of these shares occur in cases singly, the divisor for each share is that number which gives it its name, (except half, which is from two) as a fourth denominated from four, an eighth from eight, and a third from three: when they occur by two or three, and are of the same sort, then each integral number is the proper divisor to produce its fraction, and also to produce the double of that fraction, and the double of that, as six produces a sixth, and likewise a third, and two thirds; but, when half, which is from the first sort, is mixed with all of the second sort or with some of them, then the division of the estate must be by six; when a fourth is mixed with all of the second sort
EXCLUSION is of two sorts: 1. Imperfect, or an exclusion from one share, and an admission to another; and this takes place in respect of five persons, the husband or wife, the mother, the son's daughter, and the sister by the same father; and an explanation of it has preceded. 2. Perfect exclusion: there are two sets of persons having a claim to the inheritance: one of which sets is not excluded entirely in any case; and they are six persons, the son, the father, the husband, the daughter, the mother, and the wife; but the other set inherit in one case and in another case are excluded. This is grounded on two principles; one of which is, that "whoever is related to the deceased through any person, shall not inherit, while that person is living;" as a son's son, with the son; except the mother's children, for they inherit with her; since she has no title to the whole inheritance: the second principle is, "that the nearest of blood must take," and who the nearest is, we have explained in the chapter on residuaries. A person incapable of inheriting doth not exclude any one, at least in our opinion; but, according to IBNU MASUUD (may GOD be gracious to him!) he excludes imperfectly; as an infidel, a murderer, and a slave. A person excluded
"a slave; or their freedman has manumitted one;
"or they have sold a manumission to a slave, or
"their vendee has sold it to his slave, or they have
"promised manumission after their death, or their
"promisee has promised it after his death, or unless
"their freedman or freedman's freedman draw a relation
"to them."

IF the freedman leave the father and son of his manumitter, then a sixth of the right over the property of the freedman vests in the father, and the residue in the son, according to ABU YUSUF; but, according to both ABU HANIFAI and MUHAMMED, the whole right vests in the son; and, if a son and a grandfather of the manumitter be left, the whole right over the freedman goes to the son, as all the learned agree. When a man possesses as his slave a kinsman in a prohibited degree, he manumits him, and his right vests in him; as if there be three daughters, the youngest of whom has twenty dinārs, and the eldest, thirty; and they two buy their father for fifty dinārs; and afterwards their father die leaving some property; then two thirds of it are divided in thirds among them, as their legal shares; and the residue goes in fifths to the two who bought their father; three fifths to the eldest and two fifths to the youngest; which may be settled by dividing the whole into forty-five parts.
to the son of a brother by the same father only; and the rule is the same in regard to the paternal uncles of the deceased; and, after them, to the paternal uncles of his father, and, after them, to the paternal uncles of his grandfather.

The residuaries in another’s right are four females; namely, those whose shares are half and two thirds, and who become residuaries in right of their brothers, as we have before mentioned in their different cases; but she, who has no share among females, and whose brother is the heir, doth not become a residuary in his right; as in the case of a paternal uncle and a paternal aunt.

As to residuaries together with others: such is every female who becomes a residuary with another female; as a sister with a daughter; as we have mentioned before. The last residuary is the master of a freedman, and then his residuary heirs, in the order before stated; according to the saying of Him, on whom be blessing and peace! “The master bears a relation like that of consanguinity,” but females have nothing among the heirs of a manumittor, according to the saying of Him, on whom be blessing and peace! “Women have nothing from their relation to freedmen, except when they have themselves manumitted...
right, and the residuary together with another. Now the residuary in his own right is every male, in whose line of relation to the deceased no female enters; and of this sort there are four classes: the offspring of the deceased, and his root; and the offspring of his father and of his nearest grandfather, a preference being given, I mean a preference in the right of inheritance, according to proximity of degree. The offspring of the deceased are his sons first; then their sons, in how low a degree soever: then comes his root, or his father; then his paternal grandfather, and their paternal grandfathers, how high soever; then the offspring of his father, or his brothers; then their sons, how low soever; and then the offspring of his grandfather, or his uncles: then their sons, how low soever. Then the strength of consanguinity prevails: I mean, he, who has two relations is preferable to him, who has only one relation, whether it be male or female, according to the saying of Him, on whom be peace! "Surely, kinsmen by the same father and mother shall inherit before kinsmen by the same father only:" thus a brother by the same father and mother is preferred to a brother by the father only, and a sister by the same father and mother, if she become a residuary with the daughter, is preferred to a brother by the father only; and the son of a brother by the same father and mother is preferred
except the father's mother, even in the highest degree; for she takes with the grandfather, since she is not related through him. The nearest grandmother, or female ancestor, on either side, excludes the more distant grandmother, on whichever side she be; whether the nearer grandmother be entitled to a share of the inheritance, or be herself excluded. When a grandmother has but one relation, as the father's mother's mother, and another has two such relations, or more, as the mother's mother's mother, who is also the father's father's mother, according to this table:

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Mother   |   Mother
        /   /
Mother   Father   Mother
        |   /
Father   |   Mother
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then a sixth is divided between them, according to Abu Yusuf, in moiety, respect being had to their persons; but, according to Muhammad, (on whom be God's mercy!) in thirds, respect being had to the sides.

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**ON RESIDUARIES.**

**Residuaries by relation to the deceased** are three: the residuary in his own right, the residuary in another's
BROTHERS and sisters by the same father and mother, and by the same father only, are all excluded by the son and the son's son, in how low a degree forever, and by the father also, as it is agreed among the learned, and even by the grandfather according to ABU HANIFAH, on whom be the mercy of ALMIGHTY GOD! And those of the half-blood are also excluded by the brothers of the whole blood.

THE mother takes in three cases: a sixth with a child, or a son's child, even in the lowest degree, or with two brothers and sisters or more, by which ever side they are related; and a third of the whole on failure of those just-mentioned; and a third of the residue after the share of the husband or wife; and this in two cases, either when there are the husband and both parents, or the wife and both parents: if there be a grandfather instead of a father, then the mother takes a third of the whole property, though not by the opinion of ABU YUSUF, on whom be GOD's mercy! For he says, that in this case also she has only a third of the residue. The grandmother has a sixth, whether she be by the father or by the mother, whether alone or with more, if they be true grandmothers and equal in degree; but they are all excluded by the mother, and the paternal female ancestors also by the father; and, in like manner, by the grandfather,
SISTERS by the same father and mother may be in five cases: half goes to one alone; two thirds to two or more; and, if there be brothers by the same father and mother, the male has the portion of two females; and the females become residuaries through him by reason of their equality in the degree of relation to the deceased; and they take the residue, when they are with daughters or with son's daughters, by the saying of Him, on whom be blessing and peace! "Make sisters, with " daughters, residuaries."

SISTERS by the same father only are like sisters by the same father and mother, and may be in seven cases: half goes to one, and two thirds to two or more on failure of sisters by the same father and mother; and, with one sister by the same father and mother, they have a sixth, as the complement of two thirds; but they have no inheritance with two sisters by the same father and mother, unless there be with them a brother by the same father, who makes them residuaries; and then the residue is distributed among them by the sacred rule "to the male what is equal to the share of two females."
The sixth case is, where they are residuaries with daughters or with son's daughters, as we have before stated it.
Here the eldest of the first line has none equal in degree with her; the middle one of the first line is equalled in degree by the eldest of the second; and the youngest of the first line is equalled by the middle one of the second, and by the eldest of the third line; the youngest of the second line is equalled by the middle one of the third line, and the youngest of the third set has no equal in degree.—When thou hast comprehended this, then we say: the eldest of the first line has a moiety; the middle one of the first line has a sixtith together with her equal in degree to make up two thirds; and those in lower degrees never take any thing, unless there be a son with them, who makes them residuaries, both her who is equal to him in degree, and her who is above him; but who is not entitled to a share: those below him are excluded.
fover; and an eighth with children or son's children, in any degree of descent. Daughters begotten by the deceased take in three cases: half goes to one only, and two thirds to two or more; and, if there be a son, the male has the share of two females, and he makes them residuaries. The son's daughters are like the daughters begotten by the deceased; and they may be in six cases: half goes to one only, and two thirds to two or more, on failure of daughters begotten by the deceased; with a single daughter of the deceased, they have a sixth, completing, (with the daughter's half), two thirds; but, with two daughters of the deceased, they have no share of the inheritance, unless there be, in an equal degree with, or in a lower degree than, them, a boy, who makes them residuaries. As to the remainder between them, the male has the portion of two females; and all of the son's daughters are excluded by the son himself.

If a man leave three son's daughters, some of them in lower degrees than others, and three daughters of the son of another son, some of them in lower degrees than others, and three daughters of the son's son of another son, some of them in lower degrees than others, as in the following table, this is called the case of ṭaḥḥib.
1, an absolute share, which is a sixth, and that with the son, or son's son, how low soever; 2, a legal share, and a residuary portion also; and that with a daughter, or a son's daughter, how low soever in the degree of descent; 3. He has a simple residuary title, on failure of children and son's children, or other low descendants. The true grandfather has the same interest with the father, except in four cases, which we will mention presently, if it please God; but the grandfather is excluded by the father, if he be living; since the father is the mean of consanguinity between the grandfather and the deceased. The mother's children also take in three cases: a sixth is the share of one only; a third, of two, or of more: males and females have an equal division and right; but the mother's children are excluded by children of the deceased and by son's children, how low soever, as well as by the father and the grandfather; as the learned agree. The husband takes in two cases; half, on failure of children, and son's children, and a fourth, with children or son's children, how low soever they descend.

ON WOMEN.

WIVES take in two cases; a fourth goes to one or more on failure of children, and son's children, how low
tributary; or qualified, as between a fugitive and a tributary, or between two fugitive enemies from two different states: now a state differs from another by having different forces and sovereigns, there being no community of protection between them.

ON THE DOCTRINE OF SHARES, AND THE PERSONS ENTITLED TO THEM.

The _furia_; or shares, appointed in the book of Almighty GOD, are six: a moiety, a quarter, an eighth, two thirds, one third, and a sixth, some formed by doubling, and some by halving. Now those entitled to these shares are twelve persons; four males, who are the father and the true grandfather or other male ancestor, how high forever in the paternal line, the brother by the same mother, and the husband; and eight females, who are the wife, and the daughter, and the son's daughter, or other female descendant how low forever, the sister by one father and mother, the sister by the father's side, and the sister by the mother's side, the mother, and the true grandmother, that is, the who is related to the deceased without the intervention of a false grandfather. (A false male ancestor is, where a female ancestor intervenes in the line of ascendant). The father takes in three cases;
to the Divine Book, to the Traditions, and to the Assent of the Learned." They begin with the persons entitled to shares, who are such as have each a specific share allotted to them in the book of Almighty GOD; then they proceed to the residuary heirs by relation, and they are all such as take what remains of the inheritance, after those who are entitled to shares; and, if there be only residuaries, they take the whole property: next to residuaries for special cause, as the master of an enslaved slave and his male residuary heirs; then they return to those entitled to shares according to their respective rights of consanguinity; then to the more distant kindred; then to the successor by contract; then to him who was acknowledged as a kinsman through another, so as not to prove his consanguinity, provided the deceased persisted in that acknowledgement even till he died; then to the person, to whom the whole property was left by will; and lastly to the publick treasury.

ON IMPEDIMENTS TO SUCCESSION.

IMPEDEMENTS to succession are four; 1, servitude, whether it be perfect or imperfect; 2, homicide, whether punishable by retaliation, or expiable; 3, difference of religion; and, 4, difference of country, either actual, as between an alien enemy and an alien
THE

INTRODUCTION.

IN THE NAME OF THE MOST MERCIFUL GOD!

PRAISE be to GOD, the Lord of all worlds; the praise of those who give Him thanks! And His blessing on the best of created beings, MUHAMMED, and his excellent family! The Prophet of GOD, (on whom be His blessing and peace!) said: "Learn the laws of inheritance, and teach them to the people; for they are one half of useful knowledge." Our learned in the law (to whom GOD be merciful!) say: "There belong to the property of a person deceased four successive duties to be performed by the magistrate: first, his funeral ceremony and burial without superfluous of expense, yet without deficiency; next, the discharge of his just debts from the whole of his remaining effects; then, the payment of his legacies out of a third of what remains after his debts are paid; and, lastly, the distribution of the residue among his successors, according
AL SIRÁJIYYAH.
DIRECTION

TO THE BOOKBINDER.

The binder must take particular care to place the original Arabick after the Commentary, with the pages in an inverse order; so as to begin where an English book would end.
descend to their heirs: when their laws of property, which they literally hold sacred, shall in practice be secured to them; when the land-tax shall be so moderate, that they cannot have a colourable pretence to rack their tenants, and when they shall have a well grounded confidence, that the proportion of it will never be raised, except for a time on some great emergency, which may endanger all they possess; when either the performance of every legal contract shall be enforced, or a certain and adequate compensation be given for the breach of it; when no wrong shall remain unredeemed, and when redress shall be obtained at little expense, and with all the speed, that may be consistent with necessary deliberation; then will the population and resources of Bengal and Babar continually increase, and our nation will have the glory of conferring happiness on considerably more than twenty-four millions (which is at least the present number) of their native inhabitants, whose cheerful industry will enrich their benefactors, and whose firm attachment will secure the permanence of our dominion.
redly were absolute proprietors of their land, though they called their sovereigns Lords of the Earth; as they gave the title of Gods on Earth to their Brahmens, whom they punished, nevertheless, for theft with all due severity. Should it be urged, that, although an Indian prince may have no right, in his executive capacity, to the land of his subjects, yet, as the sole legislative power, he is above control; I answer firmly, that Indian princes never had, nor pretended to have, an unlimited legislative authority, but were always under the control of laws believed to be divine, with which they never claimed any power of dispensing.

I am happy in an opportunity of advancing these arguments against a doctrine, which I think unjust, unfounded, and big with ruin; for, in the course of nine years, I have seen enough of these provinces and of their inhabitants, to be convinced, that, if we hope to make our government a blessing to them and a durable benefit to ourselves, we must realize our hope, not by wringing for the present the largest possible revenue from our Asiatic subjects, but by taking no more of their wealth than the publick exigencies, and their own security, may actually require; not by diminishing the interest, which landlords must naturally take in their own soil, but by augmenting it to the utmost, and giving them assurance, that it will
go to his heirs; and Sharif adls, that an heir succeeds to his ancestor's estate with an absolute right of ownership, right of possession, and power of alienation. Now I am fully persuaded, that no Musselman prince, in any age or country, would have harboured a thought of controverting these authorities. Had the doctrine lately broached been suggested to the ferocious, but politic and religious, Omar, he would in his best mood have asked his counsellor sternly, whether he imagined himself wiser than God and his Prophet, and, in one of his passionate fancies, would have spurned him as a blasphemer from his presence, had he been even his dearest friend or his ablest general: the placid and benevolent Ali would have given a harsh rebuke to such an adviser; and Aurangzib himself, the bloodiest of assassins and the most avaricious of men, would not have adopted and proclaimed such an opinion, whatever his courtiers and slaves might have said, in their zeal to aggrandize their master, to a foreign physician and philosopher, who too hastily believed them, and ascribed to such a system all the desolation, of which he had been a witness. Conquest could have made no difference; for, either the law of the conquering nation was established in India, or that of the conquered was suffered to remain: if the first, the Koran and the dicta of Mohammad were fountains, too sacred to be violated, both of publick and private law; if the second, there is an end of the debate; for the old Hindus most aflue-
that, if a man dig a well in his own field, and anothe
man perish by falling into it, he incurs no guilt; but,
if he had trespassed on the field of another man, and had
been the occasion of death, he must pay the price of
blood; that buildings and trees pass by a sale of land,
though not conversely; and he always expresses what
we call property by an emphatical word implying domi-
nion. Such dominion, says he, may be acquired by the
act of parties, as in the case of contracts, or, by the act
of law, as in the case of deceases; and, having observed,
that freedom is the civil existence and life of a man, but
slavery, his death and annihilation, he adds, because free-
dom establishes his right of property, which chiefly dis-
tinguishes man from other animals and from things inani-
mate; so that he would have considered subjects without
property (which, as he says in another place, comprises
every thing that a man may sell, or give, or leave for his
heirs) as mere slaves without civil life: yet Sharif was
beloved and rewarded by the very conqueror, from whom
the imperial house of Debli boasted of their descent. The
Koran allots to certain kindred of the deceased specific
shares of what he left, without a syllable in the book,
that intimates a shade of distinction between reality and
personalty; there is therefore no such distinction, for in-
terpreters must make none, where the law has not dis-
tinguished: as to Muhammed, he says in positive
words, that if a man leave either property, or rights, they
of Muhammad; by subjoining the points, on which all the learned have at length agreed, and by concluding with cases deduced from those three sources of juridical knowledge, to which there should be constant references by numbers in the manner of geometricians; this method I propose to adopt in the Digest, from which I have separated the Sirajiyah, because it seemed worthy of being exhibited entire, and may be considered as Institutes of Arabian Law on the important title, mentioned by the British legislature, of inheritance and succession to lands, rents, and goods.

Unless I am greatly deceived, the work, now presented to the public, decides the question, which has been started, whether, by the Mogul constitution, the sovereign be not the sole proprietor of all the land in his empire, which he or his predecessors have not granted to a subject and his heirs; for nothing can be more certain, than that land, rents, and goods are, in the language of all Mohammedan lawyers, property alike alienable and inheritable; and so far is the sovereign from having any right of property in the goods or lands of his people, that even cheats are never appropriated to his use, but fall into a fund for the relief of the poor. Sharif expressly mentions fields and houses as inheritable and alienable property: he says, that a house, on which there is a lien, shall not be sold to defray even funeral expenses;
out difficulty they may be) that all may be different; let them be placed in alphabetical order, and connected by the sign of addition; let an enumeration be then made, by the known rule, of all the possible cases, in which they can occur, two and two, three and three, and so forth; let them accordingly be arranged in tables from the lowest number to the highest; and let the share or allotment of each be set above the letter, in the place of an exponent. If the question then were proposed, in what manner the property of HINDA must be distributed among her daughter, her sister by the same father only, and the daughter of her son, the table of the third class would exhibit this formula $D^\frac{3}{2} + DF^\frac{3}{2} + DS^\frac{3}{2}$; or, if Amru had left his wife, two daughters, and both his parents, the formula in the fourth table would be $2D^\frac{7}{9} + F^\frac{7}{9} + M^\frac{7}{9} + W^\frac{7}{9}$; where the denominator of the index would be the integrant, as the Arabs call it, of the case, and the numerator would point out the several allotments: thus might we construct a set of tables, mathematically accurate, in which the legal distribution, in every possible case, might be seen in a moment without thought and even without learning; and such a blind facility, though not very consistent with the dignity of science, would certainly be convenient in practice. We might also arrange the whole in a synthetical method (of all the most luminous and satisfactory) by beginning with the sentences of the Korân, as with indubitable axioms, followed by the genuine oral maxims
their popular senses; but, though my literal version of the tract by \textit{Almutakanna}, seems for pages together like a string of enigmas, yet the following work makes every sentence in it perfectly clear; and the original, which was engraved from a very old manuscript, appears to be a lively and elegant epitome of the law of inheritance according to \textit{Zaid}, but manifestly designed to afford the memory of young students, who were to get it by heart, when they had learned the rules from some longer treatise, or from the mouths of their preceptors. This may be no improper place to inform the reader, that, although \textit{Abu Hanifah} be the acknowledged head of the prevailing sect, and has given his name to it, yet so great veneration is shown to \textit{Abu Yusuf} and the lawyer \textit{Muhammed}, that, when they both dissent from their master, the \textit{Mufilman} judge is at liberty to adopt either of the two decisions, which may seem to him the more consonant to reason and founded on the better authority.

I am strongly disposed to believe, that no possible question could occur on the \textit{Mohammedan} law of succession, which might not be rapidly and correctly answered by the help of this work; but it would be easy to confirm or invalidate my opinion by the following method. Let one capital letter, or more, if necessary, represent each of the sharers, residuaries, and distant heirs; and let those letters be the initials of the seven letters, in aid of the memory, but so chosen (as with
of every thing useful in my text, I was under a necessity of retaining the Arabian phraëology both in law and arithmetick, and must request the English reader to dismiss from his mind, while he studies the Sirâjîyyah, those appropriated senses, in which many of our words, as heir, inheritance, root, and the like, are used in our own systems. One Arabick word I was at a loss to translate precisely in our language without circumlocution: the chief problem, in the distribution of estates among Mufelman heirs, is to find the least number, by which an estate must be divided, so that all the shares and the residue may be legally distributed without a fraction: this they call integration; but, if I could have hazarded such a word in English, the frequent repetition of it would have been extremely harth; and I have generally called it arrangement or verification, which are popular senses of the Arabick verbal noun; but the number sought, or, to use the Arabian expression, the integrant of the case, I have usually named the divisor of the estate.

It will be seen in the Sirâjîyyah, that the system of Zaid, though in part exploded by Abu Hanîfah, had very powerful supporters, and its author is always mentioned in terms of respect: it is the system, which I published at London above ten years ago; and I am not surprised, that, without a native assistant or even a marginal gloss, I could not then interpret the many technical words, which no dictionary explains, except in
If the pains, which have been taken to render my own work as complete as possible, be measured by the size of it, they must be thought very inconsiderable; but in truth no greater pains could have been taken with any work; and it would have been a far easier task to have dictated or written a verbal translation of the two comments on my text, than to have made a careful selection of all that is important in them; for which purpose I perused each of them three times with the utmost attention, and have condensed in little more than fifty short pages the substance of them both, without any superfluous passage, that I should wish to be retrenched, and with as much perspicuity as I was able to give, in so short a compass, to a system in some parts rather abstruse: left men of business, for whom the book is intended, should be alarmed at first sight by the magnitude of it, I have omitted all the minute criticism, various readings, and curious Arabian literature; most of the anecdotes concerning old lawyers, and all their subtle controversies with the arguments on both sides; together with the demonstrations of arithmetical rules and the very long processes, after the prolix method of the Arabs, in words instead of figures. Practical utility being my ultimate object in this work, I had nothing to do with literary curiosities, how agreeable soever they might have been in their proper places; but, in order to attain that object by a full explanation b
great disadvantage in a literal translation, especially when his own idiom differs totally from that of his translator, when his terms of art must be rendered by new words, which use alone can make easy, and when the system, which he unfolds to his countrymen, has no resemblance to any other, that the world ever knew. In the Sharifiyah (for that is the popular title of the Arabian comment) we find little or no obscurity; and, if there be a fault in the book, it is a scrupulous minuteness of explanation, and a needless anxiety to remove every little cloud, which the reader himself might disperse by the lightest exertion of his intellect. Both works were translated into Persian by the order of Mr. Hastings; and the translation, which bears the name of Maulavi Muhammad Kasim, must appear excellent, and would be really useful, to such as had not access to the Arabic originals; but the text and comment are blended without any discrimination, and both are so intermixed with the notes of the translator himself, that it is often impossible to separate what is fixed law from what is merely his own opinion: he has also erred (though it be certainly a pardonable error) on the side of clearness, and has made his work so tediously perspicuous, that it fills, inclusively of a turgid and flowery dedication, about six hundred pages, and a faithful version of it in English would occupy a very large volume.
THE PREFACE.

The two Musselman authors, whom I now introduce to my countrymen in India, are Sbaikh Siraju'uddin, a native of Sejávend, and Sayyad Sharíf, who was born at Jürján in Khowárezm near the mouth of the Oxus, and is said to have died, at the age of seventy-six years, in the city of Shíráz: their compositions have equal authority in all the Mobammedan courts, which follow the system of Abu Hanífah, with those of Littleton and Coke in the courts at Westminster; and there is, indeed, a wonderful analogy between the works of the old Arabian and English lawyers, and between those of their several commentators; with this difference in favour of our own country, that Littleton is always too clear to need a gloss, and with this difference in favour of the Arabs, that the sole object of Sharíf was to explain and illustrate his text, without an ostentatious display of his own erudition; but, when it is admitted, that a desire of extreme brevity has often made the Sirájíyyab obscure, the reader should in candour allow, that every author must appear to
AL · SIRÁJIYYAH:

OR,

THE MOHAMMEDAN LAW

OF

INHERITANCE,

WITH A

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BY SIR WILLIAM JONES.

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