wife dying he marries another woman, by whom he hath a son: now these two sons, though they are brother and sister, are called brethren, but brothers of the soul, blood, because they had not both one father and mother: And therefore by law they cannot be heirs to one another; for he that claims an inheritance, it is not a son, but a brother, he that is born out of one whole blood to him from whom he claimed. Terms de Ley.

The half blood are intitled under the statutes of distri- bution to any equal share of the personal estate with the whole blood. Den.

The name of places ending in den, as Biddenden, &c. signify the situation to be in a valley, or near woods; from the Sax. Den, i.e. alles, loco, Sygloftsire, Blome.

Den and Strong, is a liberty for ships or vessels to run or come ashore; & Ed. 1. by charter granted this privilege to the Barons of the Cinque Ports. Placent. temp. Ed. 1.

Dens terrae, A hollow place between two hills; and the word dena is used for a little portion of woody ground, commonly called a copice.—Et non pernus dena Sylou. Somdeley.


Detarri se Caritate, Customary obligations made to Cathedral Churches about the time of Pentecost, when the parish priests and many of their people went in procession to the Cathedral Church: this custom was afterwards changed into a festal day, and usually charged upon the parish priest, though at first it was but a gift of charity, or gift, to help to maintain and adorn the bishop's see. Carter, Abbatt. Glafon MS. f. 156.


Detarrius Dei, God's penny, or earned money given and received by the parties to contracts, &c. Cart. Ed. 1. The earned money is called Detarrius Dei, or God's penny, because, in former times, the piece of money given to bind the contract, was given to God, i.e. to the church, or the poor.

Detarrius St. Petri, An annual payment of one penny from every family to the Pope, during the time that the Roman Catholic religion prevailed in this kingdom, paid on the feast of St. Peter. Stat. 25 H. 8. e. 25. See Peter's Pence.

Detarrius testis Comitatus, Of the fees and other profits of the county courts, originally when those courts had superior jurisdiction before other courts were erected, two pairs were reserved to the King, and a third part or prono to the Earl of the county; who either received it in specie at the assizes and trials, or had an equivalent com- position for it out of the Exchequer. Paroch. Antiq. 418.

Detarrius, (From the Sax. Den, a serpentine, a narrow or hog) A place for the running and feeding of hogs, wherein they are penned; by some called a Swine- ter's Court.

Deturgen, (Sr. Deturgen) Is an alien enfranchised, and made a subject by the King's letters patent; and is called deutor, because his legitimization proceeds ex donatione juris, at the King's gift. Such a one is enabled in many respects, to do as the King's native subjects do, to purchase and possess lands, enjoy any office or dignity; and when he is thus enfranchised, he is said to be under the King's protection, or eft aliis Regis Angliae; be- fore which time he can possess nothing in England. But, notwithstanding this, it is short of naturaistorum; for a stranger naturalized in the land, by a deed of enfranchising, which is called a deutor cannot: and in the charter, whereby a peron is made a deutor, there is commonly contained some clause that expressly abliges him of that full benefit which natural subjects enjoy. Bract. lib. 5. t. 265. &c. cap. 52. &c. l. 274.

When the King makes a deutor by letters patent, he may purchase lands, and his Issue born afterwards may inherit land; but labour and land he had before shall not: and, though a deutor is enabled to purchase, he cannot in- herit the lands of his ancestors but as a purchaser he may use the right of the fair. Stat. 11 Edw. 3. &c. 52. &c. 67. Aliens made deutors are in- exible of offices in the government, to be members of parliament, &c. by Stat. 12 W. 3. c. 26. &c. 1 Edw. 1. c. 3. If he do high a prerog anyway to make alien subjects and deutors, that the King cannot grant this power over to any other. Wodd's Inl. 22. See Cos. Litt. B. i. 229. a. the subject fully treated, and Black. Com. 1. I. 374. &c. 173. &c. 24.

Debnirking of Land, Is the cutting parings of earth, turf, and stubble into heaps, which when dried are burnt into an alkali; and the poor use these to make a kind of manure, the profit of improvement is used on taking in and including common and waste ground; and in many parts of England is called burn-burning, but in Staffordshire and other coun- tries, they call it wearing of land.

De non Deincarnandi, To be discharged of titles. See Med. Dicatonicarii De non Deincarnandi, To be discharged of titles. See Med. Dicatonicarii

De non Refractarii Clerici Regni, Is an ancient writ where a pardon is employed in the King's service, &c. to excuse and discharge him of non-refractor. 2 Inst. 624.


Deodand, (Deo dandum) Is a thing given as it were to God, to appease his wrath, where a person comes to a violent death by mischance, not by any reasonable creature; and is forfeited to the King, or granted to the crown; and if to the King, his almoner disposes of it by sale, and the money arising thereby, he distributes to the poor: Alfo if forfeited to the lord of a liberty, it ought to be thus distributed, 3 Inst. 57. &c. 5 Rep. 110. &c. 1 Nolf. 636. The original of deodand is said to come from the notion of purgatory: for when a person came to a sudden and untimely death, without having time to be forsworn by a priest, and to have the extremest absolution administered to him, the soul of which person had been the occasion of his death, became deodand, that it was given to the church, to be distributed in charity, and to pray for the soul of such deceased person out of purgatory. 1 Litt. 443.

There are several examples of forsworn in cases of deodand; as if a man in driving a cart, falls so as the cart-wheels run over him, and preffeth him to death; the cart-wheel, cart, and horses are forfeited to the lord of the liberty; for anni quae recentem at quam faciat just deodan- da. Bract. lib. 3 t. 262. &c. cap. 5. But it hath been observed, that at this day, if a man be killed by the wheel of a cart drawn with horses, the jury find that only, deodand which was the immediate cause of his death, vis. the wheel; which is then seized by the lord of the manor, and converted to his own use. 1 Nolf. 639. For in the preten eant lightened age, justes are not much pleased with this obsolete law.

If a man riding over a river, is thrown off his horse by the violence of the water, and drowned, his horse is not deodand: for the destruction of a man, is the destruction of a man, or a horse, and a horse; and of a horse, and a horse, and a horse, and the party that was slain dies of the stroke, the horse, nor wittingly the false, shall be forfeited at deodand. Prot. 260. &c. 5 Rep. 110.

If one falls out of a vessel in salt water, the vessel is not deodand, as accidents at sea are frequently happening; but if one falls out of a vessel in fresh water, it is said to be otherwise. Bract lib. 172. Things fixed to the freehold; as a bell hanging in a deck, a wheel of a mill, &c. unless fevered from the freehold, cannot be deodand. 2 Inst. 281. And there is no forfeiture of a deodand, if it is through the carelessness of the owner, and of the keeper, which makes the freeholder liable that finds the death; who ought also to find and appraise the deodand. 5 Rep. 110. &c. 1 Litt. 443. After the coro- ner's inquisition, the forfeit is answerable for the value, where the deodand belongs to the King; and he may lay the same on the owner, &c. Wherefore the inquest ought to find the value of the 1. Bract lib. 67.

Grants of Summary for the recovery of deodand, 3 15 Edw. 3 &c. 22. &c. 1. Deodands were likewise the goods and chattels of feuls de, &c. 1 Litt. 469. See Black Com. 1. 1. 500. 4 A.