

wife dying he marries another woman, by whom he hath also a son; now these two sons, though they are called *brothers*, are but *brothers of the half 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 as heir to another by descent, must be of the whole blood to him from whom he claimeth. *Terms de Ley.*

The half blood are intitled under the statutes of *distribution* 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. *Vallis*, *Locus*, *Sylvestris*. Blount.

**Den and Strond**, Is a liberty for ships or vessels to run or come ashore; and K. Ed. 1. by charter granted this privilege to the Barons of the *Cinque Ports*. Placit. temp. Ed. 1.

**Dena terræ**, A hollow place between two hills; and the word *denu* is used for a little portion of woody ground, commonly called a coppice.—*Et una perua dena sylvæ*. Domesday.

**Denarii**, A general term for any sort of *pecunia numerata*, or ready money. *Paroch. Antiq.* 320.

**Denarii de Caritate**, Customary oblations made to *Cathedral Churches* about the time of *Pentecost*, when the parish priests and many of their people went in procession to visit their mother church: This custom was afterwards changed into a settled due, and usually charged upon the parish priest; though at first it was but a gift of *charity*, or present, to help to maintain and adorn the bishop's see. *Cartular. Abbat. Glaston MS. f. 15.*

**Denarius**, An *English penny*: it is mentioned in the *Stat. Ed. 1. De compositione mensuraram*, &c.

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

**Denarius S. 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. c. 25.* See *Peter-Pence*.

**Denarius tertius Comitatus**, Of the  *fines*  and other profits of the *county-courts*, originally when those courts had superior jurisdiction before other courts were erected, two parts were reserved to the King, and a *third part* or penny to the *Earl of the county*; who either received it in specie at the *assises* and trials, or had an equivalent composition for it out of the *Exchequer*. *Paroch. Antiq.* 418.

**Denuera**, (From the Sax. *Den*, a vale, and *berg*, a barrow or hog) A place for the running and feeding of hogs, wherein they are penned; by some called a *Swinecomb*. Cowel.

**Denizen**, (Fr. *Donation*) Is an alien enfranchised, and made a subject by the King's letters patent; and is called *denaison*, because his legitimation proceeds *ex donatione Regis*, from 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 *esse ad fidem Regis Angliæ*; before which time he can possess nothing in *England*. But, notwithstanding this, it is short of *naturalization*; for a *denizen* cannot: and in the charter, whereby a person is made a *denizen*, there is commonly contained some clause that expressly abridges him of that full benefit which natural subjects enjoy. *Braët. lib. 5. tract. 5. cap. 25. 2 Inst.* 741.

When the King makes a *denizen* by letters patent, he may purchase lands, and his issue born afterwards may inherit them; but those he had before shall not: and, though a *denizen* is enabled to purchase, he cannot inherit the lands of his ancestors but as a purchaser he may enjoy them; and he may take lands by devise. *1 Inst.* 8. *5 Rep.* 52. *11 Rep.* 67. Aliens made *denizens* are incapable of offices in the government, to be members of

parliament, &c. by *Stat. 12 W. 3. cap. 2. 1 Geo. 1. c. 4.* It is so high a prerogative to make aliens subjects and *denizens*, that the King cannot grant this power over to any other, *Wood's Inst.* 22. See *Co. Lit.* 8. a. 129. a. the subject fully treated, and *Black. Com.* 1 V. 374. 2 V. 249.

**Denshiring of Land**, Is the casting parings of earth, turf, and stubble into heaps, which when dried are burnt into ashes, for a compost on poor barren land. This method of improvement is used on taking in and inclosing common and waste ground; and in many parts of *England* is called *burn-beating*, but in *Staffordshire* and other counties, they term it *denshiring of land*.

**De non Decimando**, To be discharged of tithes. See *Modus Decimandi*

**De non Residentia Clerici Regis**, Is an ancient writ where a parson is employed in the King's service, &c. to excuse and discharge him of *non-residence*. *2 Inst.* 624.

**Dentrix**, A fish with many teeth. *Chart. Hen. 6. Monast. Ramsay.*

**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 grantee of the crown; and if to the King, his almoner disposes of it by sale, and the money arising thereby, he distributes to the poor: Also if forfeited to the lord of a liberty, it ought to be thus distributed. *3 Inst.* 57. *5 Rep.* 110. *1 Nels.* 636. The original of *deodands* 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 *shrived* by a priest, and to have the extremum unction administered to him, the thing which had been the occasion of his death, became *deodand*; that is, was given to the church, to be distributed in charity, and to pray for the soul of such deceased person out of *purgatory*. *1 Lil.* 443.

There are several examples of forfeitures in cases of *deodands*; as if a man in driving a cart, falls so as the cart-wheel runs over him, and presseth him to death; the cart-wheel, cart, and horses are forfeited to the lord of the liberty: for *omnia quæ movent ad mortem sunt deodanda*. *Braët. lib. 3. tract. 2. 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, *viz.* the wheel; which is then seized by the lord of the manor, and converted to his own use. *1 Nels.* 639. For in the present enlightened age, juries 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 this death was caused *per cursum aquæ*. *2 Co.* 483. Where one under fourteen years of age, falls from a cart, horse, &c. they are not *deodand*; but if a horse strikes and kills such a person, it is *deodand*. *3 Inst.* 57. And if a person wounded by any accident, as of a cart, horse, &c. die within a year and a day after, what did it, is *deodand*: So that if a horse strikes a man and afterwards the owner sells the horse, and then the party that was stricken dies of the stroke, the horse, notwithstanding the sale, shall be forfeited as *deodand*. *Prowd.* 260. *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. *Wood's Inst.* 212. Things fixed to the freehold; as a bell hanging in a steeple, a wheel of a mill, &c. unless severed from the freehold, cannot be *deodands*. *2 Inst.* 281. And there is no forfeiture of a *deodand*, till the matter is found of record, by the jury that finds the death; who ought also to find and appraise the *deodand*. *5 Rep.* 110. *1 Inst.* 144. After the coroner's inquisition, the sheriff is answerable for the value, where the *deodand* belongs to the King; and he may levy the same on the town, &c. Wherefore the inquest ought to find the value of it. *1 Hawk.* 67.

Grants of *deodands* how to be inrolled, *3 & 4 W. & M. c. 22. sect. 1.* *Deodands* were likewise the goods and chattels of *felo de se*, &c. *1 Lil.* 443. See *Black. Com.* 1 V. 300.