

son Lake; thence north along said meridian to the latitude of the junction of the Yellowstone and Gardiner's Rivers; thence east to the place of beginning,—shall be reserved and withdrawn from settlement, occupancy, or sale under the laws of

the United States, and dedicated and set apart as a public park or pleasuring ground for the benefit and enjoyment of the people, under the exclusive control of the Secretary of the Interior; R. S. §§ 2474, 2475.

## Y.

**YARD.** A measure of length, containing three feet, or thirty-six inches.

A piece of land inclosed for the use and accommodation of the inhabitants of a house. In England it is nearly synonymous with backside. 1 Chitty, Pr. 176; 1 Term, 701.

**YARDLAND.** In Old English Law. A quantity of land containing twenty acres. Co. Litt. 69 a.

**YEAR.** The period in which the revolution of the earth round the sun, and the accompanying changes in the order of nature, are completed.

The civil year differs from the astronomical, the latter being composed of three hundred and sixty-five days, five hours, forty-eight seconds and a fraction, while the former consists sometimes of three hundred and sixty-five days, and at others, in leap-years, of three hundred and sixty-six days.

The year is divided into half-year, which consists, according to Co. Litt. 135 b, of one hundred and eighty-two days; and quarter of a year, which consists of ninety-one days. *Id.*; 2 Rolle, Abr. 521, l. 40. It is further divided into twelve months.

The civil year commences immediately after twelve o'clock at night of the thirty-first day of December, that is, the first moment of the first day of January, and ends at midnight of the thirty-first day of December twelve months thereafter. See Comyns, Dig. *Annus*; 2 Chitty, Bla. Com. 140, n.; Chitty, Pr. Index, *Time*. Before the alteration of the calendar from old to new style in England (see *BISEXTE*) and the colonies of that country in America, the year in chronological reckoning was supposed to commence with the first day of January, although the legal year did not commence until March 25, the intermediate time being doubly indicated; thus February 15, 1723, and so on. This mode of reckoning was altered by the statute 24 Geo. II. c. 23, which gave rise to an act of assembly of Pennsylvania, passed March, 11, 1752, 1 Smith, Laws, 217, conforming thereto, and also to the repeal of the act of 1710.

In New York it is enacted that whenever the term "year" or "years" is or shall be

used in any statute, deed, verbal or written contract, or any public or private instrument whatever, the year intended shall be taken to consist of three hundred and sixty-five days; half a year, of a hundred and eighty-two days; and a quarter of a year, of ninety-two days; and the day of a leap year, and the day immediately preceding, if they shall occur in any period so to be computed, shall be reckoned together as one day. Rev. Stat. vol. 2; c. 19, t. 1, § 3. See *AGE*; *YEARS*; *ALLOWANCE*.

The omission of the word "year" in an indictment is not important, provided the proper numerals are written after the month and day of the month; 22 Minn. 67. An indictment which states the year of the commission of the offence in figures only, without prefixing "A. D." is insufficient; 5 Gray, 91; but it has been held otherwise in Maine under a statute; 47 Me. 388.

**YEAR AND DAY.** A period of time much recognized in law.

It is not in all cases limited to a precise calendar year. In Scotland, in computing the term, the year and day is to be reckoned, not by the number of days which go to make up a year, but by the return of the day of the next year that bears the same denomination; 1 Bell, Com. 721; 2 Stair, Inst. 842. See Bacon, Abr. *Descent* (I 3); Erskine, Inst. 1. 6. 22. In the law of all the Gothic nations, it meant a year and six weeks.

It is a term frequently occurring: for example, in case of an estray, if the owner challenged it not within a year and a day, it belonged to the lord; 5 Co. 108. So of a wreck; Co. 2d Inst. 168. This time is given to prosecute appeals and for actions in a writ of right, and, after entry or claim, to avoid a fine; Plowd. 357 a. And if a person wounded die in that time, it is murder; Co. 3d Inst. 53; 6 Co. 107. So, when a judgment is reversed, a party, notwithstanding the lapse of time mentioned in the statute of limitations pending that action, may commence a fresh action within a year and a day of such reversal; 3 Chitty, Pr. 107. Again, after a year and a day have elapsed from the day of signing a judgment no execution can be issued till the judgment be revived by *scire facias*; Bacon, Abr. *Execution* (H); Tidd, Pr. 1108.

Protection lasted a year and a day; and if a villein remain from his master a year and a day in an ancient demesne, he is free; Cunningham, Diet. If a person is afraid to enter on his land, he may make claim as near as possible,—which is in force for a year and a day; 3 Bla. Com. 175. In case of prize, if no claim is made within a year and a day, the condemnation is to captors as of course; 2 Gall. 388. So, in case of goods saved, the court retains them till claim, if made within a year and a day, but not after that time; 8 Pet. 4.

The same period occurs in the Civil Law, in Book of Feuds, the Laws of the Lombards, etc.

**YEAR-BOOKS.** Books of reports of cases in a regular series from the reign of the English King Edward II., inclusive, to the time of Henry VIII, which were taken by the prothonotaries or chief scribes of the courts, at the expense of the crown, and published annually,—whence their name Year-Books. They consist of eleven parts, namely:—Part 1. Maynard's Reports *temp.* Edw. II.; also divers Memoranda of the Exchequer *temp.* Edward I. Part 2. Reports in the first ten years of Edw. III. Part 3. Reports from 17 to 39 Edward III. Part 4. Reports from 40 to 50 Edward III. Part 5. Liber Assisarum; or, Pleas of the Crown *temp.* Edw. III. Part 6. Reports *temp.* Hen. IV. & Hen. V. Parts 7 & 8. Annals; or Reports of Hen. VI. during his reign, in 2 vols. Part 9. Annals of Edward IV. Part 10. Long Quinto; or Reports in 5 Edward IV. Part 11. Cases in the reigns of Edward V., Richard III., Henry VII., and Henry VIII. A reference to them by a learned judge as mere "lumber garrets of obsolete fendal law," indicates their practical value in modern times. Wallace, Reporters; 2 Wall. Jr. 309.

**YEAR, DAY, AND WASTE** (Lat. *annus, dies, et vastum*) is a part of king's prerogative, whereby he takes the profits of the lands and tenements of those attainted of petty treason or felony, for a year and a day, but, in the end, may waste the tenements, destroy the houses, root up the woods, gardens, and pasture, and plough up the meadows (except the lord of the fee agree with him for redemption of such waste); after which the lands are to be restored to the lord of the fee. Staundford, Prerog. c. 16, fol. 44. By Magna Charta, it would appear that the profits for a year and a day were given in lieu of the waste. 9 Hen. III. c. 22. But 17 Edw. II. declares the king's right to both.

**YEARS, ESTATE FOR.** See ESTATE FOR YEARS.

**YEAS AND NAYS.** The list of members of a legislative body voting in the affirmative and negative of a proposition.

The constitution of the United States, art. 1,

s. 5, directs that "the yeas and nays of the members of either house, on any question, shall, at the desire of one-fifth of those present, be entered on the journal." See 2 Story, Const. 301.

Constitutional provisions in some states require the yeas and nays to be entered on the journal on the final passage of every bill. See 68 Ill. 160; 22 Mich. 104; 54 N. Y. 276. These directions are clearly imperative; Cooley, Const. Lim. 171.

The power of calling the yeas and nays is given by all the constitutions of the several states; and it is not, in general, restricted to the request of one-fifth of the members present, but may be demanded by a less number; and, in some, one member alone has the right to require the call of the yeas and nays.

**YEOMAN.** In the United States this word does not appear to have any very exact meaning. It is usually put as an addition to the names of parties in declarations and indictments. In England it signifies a free man who has land of the value of forty shillings a year. Co. 2d Inst. 668; 2 Dall. 92. The local volunteer militia, raised by individuals with the approbation of the queen are also called yeomen. The term *yeomanry* is applied to the small freeholders and farmers in general. Hallam, Cons. Hist. c. 1.

**YIELDING AND PAYING.** These words, when used in a lease, constitute a covenant on the part of the lessee to pay the rent; Platt, Cov. 50; 3 Penn. R. 464; 2 Lev. 206; 3 Term, 402; 1 B. & C. 416; 2 Dowl. & R. 670; but whether it be an express covenant or not seems not to be settled; 2 Lev. 206; T. Jones, 102; 3 Term, 402.

In Pennsylvania, it has been decided to be a covenant running with the land; 3 Penn. R. 464. See 1 Saund. 233, n. 1; 9 Vt. 191.

**YORK, CUSTOM OF,** is recognized by 22 & 23 Car. II. c. 10, and 1 Jac. II. c. 17. By this custom, the effects of an intestate are divided according to the anciently universal rule of *pars rationabilis*. 4 Burn. Eccl. Law, 342.

**YORK, STATUTE OF.** The name of an English statute, passed 12 Edw. II., Anno Domini 1318, and so called because it was enacted at York. It contains many wise provisions and explanations of former statutes. Barrington, Stat. 174. There were other statutes made at York in the reign of Edward III., but they do not bear this name.

**YOUNG ANIMALS.** It is a rule that the young of domestic or tame animals belong to the owner of the dam or mother, according to the maxim, *Partus sequitur ventrem*. Dig. 6. 1. 5. 2; Inst. 2. 1. 9.

**YOUNGER CHILDREN.** When used with reference to settlements of land in England, this phrase signifies all such children as are not entitled to the rights of an eldest son, including daughters who are older than the eldest son; Moz. & W.

**YOUTH.** This word may include children and youth of both sexes; 2 Cush. 519, 528.