

Shares in companies though owning and using land are not "land" within the statute: *Watson v. Spatley*, 10 Ex. 222; *Bradley v. Holdsworth*, 3 M. & W. 422; nor fixtures: *Hallen v. Runder*, 1 C. M. & R. 266; nor such products of land as come within the definition of fructus industriales: *Evans v. Roberts*, 8 D. & R. 611; nor fructus naturales unless still standing, and unless it is intended that they should obtain some benefit from so remaining: *Marshall v. Green*, L.R. 1 C.P.D. 35. An agreement for improvements by a landlord to be paid for by an increase of rent is not within the statute: *Hoby v. Roebuck*, 17 R.R. 477; *Donellan v. Read*, 3 B. & Ald. 899; nor an agreement to build upon land: *Wright v. Stavert*, 2 E. & E. 728. An equitable mortgage by deposit of title deeds is not within the Act: *Russel v. Russel*, 2 Bro. C.C. 269; and a lease within section 2 of the Act is not an agreement concerning land within section 4 and does not require writing, if the tenant enters, and the tenancy will be governed by all the parol terms: *Edge v. Stafford*, 1 C. & J. 391; *Bolton v. Tomlin*, 5 A. & E. 856. Sales before an officer of the court confirmed by order are not affected by the statute: *Attorney-General v. Day*, 1 Ves. Sr. 220. Any agreement concerning land will be taken out of the operation of the statute by part performance: *Butcher v. Stapely*, 1 Ver. 363.

Lastly, of agreements not to be performed within a year. An agreement is not within the statute unless it appears by its whole tenour that it is to be performed after the year: *Peter v. Campton*, 1 Sm. L.C. 9th ed. 308; nor if it is intended to be performed by one party within a year, for instance, a sale of goods not to be paid for within a year: *Donellan v. Read*, 3 B. & Ad. 906. A parol lease good under section two is not invalid under this section, because not to be performed within one year: *Bolton v. Tomlin*, 5 A. & E. 856. A hiring for one year and so from year to year as long as the parties please is not within the Act: *Beeston v. Collyer*, 12 Moo. 552. A contract to share the profits of an undertaking not to be completed within one year is not within the Act: *McKay v. Rutherford*, 6 Moo. P. C. 414.

We next turn to section seven, dealing with parol declara-