

It does not include the natural growth of land, such as growing timber, fruit, or trees, and the like, growing in the land, and not severed from it<sup>1</sup>, and from the further growth of which in the soil the purchaser is to derive some benefit<sup>2</sup>; but it does include standing timber, which is to be severed immediately either by the seller or the buyer<sup>3</sup>.

It [probably] includes crops annually produced by human labour, such as corn and potatoes, or crops which require annual labour in order to make them grow from old roots, such as hops, growing in the land but not severed from it.<sup>4</sup>

It [probably] does not include crops produced by human labour which require a longer period than a year to come to maturity<sup>5</sup>, or which produce more crops than one when they have come to maturity, such as madder, clover and teasels, growing in the land and not severed from it<sup>6</sup>.

#### ARTICLE 4.

##### *Acceptance and Actual Receipt.*

An agreement for the sale of goods of the value of 10*l.* or upwards is a contract enforceable by law, if the buyer—

- (a) actually receives; and
- (b) accepts part of the goods sold<sup>7</sup>.

<sup>1</sup> Benj. 109. Such crops are sometimes called 'fructus naturales.' These, however, are included under s. 4 of the statute which relates to the sale of real property.

<sup>2</sup> *Marshall v. Green*, 1 C. P. D. 35; 1 Wms. Saunders, 395.

<sup>3</sup> See *Marshall v. Green*.

<sup>4</sup> *Graves v. Weld*, 5 B. & Ad. 105, 119; but see *Waddington v. Bristow*, 2 B. & P. 452, which, however, is virtually overruled. See Benj. 102; see also *Evans v. Roberts*, 5 B. & C. 829, and *Marshall v. Green*. Such crops are sometimes called 'fructus industriales.'

<sup>5</sup> Co. Litt. 55 a, adopted in *Graves v. Weld* (sup.). Such crops would, however, come under the 4th section, if they do not come under the 17th.

<sup>6</sup> *Graves v. Weld*, 5 B. & Ad. 105, 119, Benj. 118. The case does not quite support the proposition in the text.

<sup>7</sup> These are very nearly the words of the Statute of Frauds.