sioner shall have the crop, because though her estate were uncertain yet she hath determined it by her own act.

The word translated here "crop" is understood to include not only tobacco and grain, but every other kind of annual produce or artificial profit arising from the culture of soil. Hemp, flax, and things above ground in gardens, as melons of all kinds and the like, and all other things as have such a yearly setting and manurance as severs them in interest from the soil, hops though not sown if planted, because though springing from old roots they require cultivation, are emblements, Godolph. Orph. Leg. 122; Co. Litt. 55 b. n. 1.

So potatoes have been held to be emblements, Evans v. Roberts, 5 B. & C. 832.[1] And Lord Coke says that if the tenant plant roots, his executors shall have that year's crop. Co. Litt. 55 b. In Evans v. Iglehart, 6 G. & J. 171, Chancellor Bland enumerated as emblements, by way of exemplification, "the crops begun by the testator on land held by him in his own right or in right of his wife, such as melons, cantalopes, cabbages, potatoes, *clover hay*, wheat, rye, oats, corn, and tobacco, sown, planted, or gathered during the summer and autumn next after her death." But the Court of Appeals showed that clover and hay and grass were not emblements, and said that the Chancellor was to be understood only as embracing in his enumeration such things as were planted or sown in the testator's life-time, and gathered during the summer and autumn next succeeding his death. It is said that the Chancellor wrote "clover-hay," which for special reasons he considered as emblements, and was much annoyed that the Court of Appeals should have treated it as two distinct words. In Graves v. Weld, 5 B. & Ad. **30** 105, trover for a second crop of clover, &c., *it was held that the tenant is only entitled to a crop, and but one crop, and that species only, which ordinarily repays the labour by which it is produced within the year in which that labour is bestowed, though the crop may in extraordinary seasons be delayed beyond that period, and not to the crop of any vegetables produced by industry, &c., whether annually or not, which is growing at the time of the cesser of his interest. In Godolph. Orph. Leg. 127, it is said that carrots, parsnips, turnips, or skerrets go to the heir, on the principle that the executors could not reach them without digging and breaking the soil, but they seem to come within the same reason as potatoes, see Co. Litt. 55 b. By the Code, Art. 93, sec. 278,[2] which re-enacts the Act of 1845, ch. 357, secs. 1, 2, the coarse provender upon the lands of any person dying shall not be sold by his executor, but shall be left on the farm for the use thereof; provided the deceased shall leave issue or relations who may inherit the lands from him, or a devisee to whom he may have devised them; and under the term are included only corn-tops, corn-shucks, wheat, oat, and rye-straw thereon at the time of sale. But corn-blades are not coarse provender.

The Act of 1798, ch. 101, sub-ch. 7, made the crop on the land of the deceased by him begun "*unless where the lands are divided*" assets in the

[1] Corn and potatoes are emblements though raised on only an acre of ground surrounding a leased cottage. Haines v. Welch, L. R. 4 C. P. 91.

[2] Code 1911, Art. 93, sec. 288.