

the amount of the fine upon conviction in such a case to \$100 including costs.

A conviction imposing a fine exceeding \$100 in such a case cannot be amended under s. 1124 of the Code and should be quashed on certiorari, as that section only applies to summary convictions under Part XV. of the Code, notwithstanding that that section was, in the revision of 1906, taken out of the summary convictions part of the Code, where it formerly stood as s. 889, and placed in the part headed "Extraordinary remedies."

Reg. v. Randolph, 4 Can. Cr. Cas. 165, followed.

Monkman and Parker, for accused. *Whitla*, for the Crown.

Full Court.] IN RE TOWN OF CARMAN. [Dec. 14, 1910.

Liquor License Act—Local option by-law must be complete in itself.

A local option by-law intended to be submitted to the vote of the ratepayers under ss. 61 to 72 inclusive of the Liquor License Act, R.S.M. 1902, c. 101, must, by force of s. 68, referring to proceedings under the Municipal Act, be complete in itself and contain provisions fixing the time and place of the polling and providing for the other matters specified in ss. 376 and 377 of the Municipal Act, including the appointment of agents or scrutineers. Where, therefore, the council passed two by-laws, one simply forbidding the receiving of any money for a license under the Liquor License Act, which by-law was submitted to the vote of the ratepayers before its third reading, and another making the usual and necessary provisions for the taking of the vote on the first as required by the Municipal Act, which by-law was passed through its third reading at one session, the proceedings were held to be fatally defective and incapable of being cured by s. 200 of the Act.

Burbidge, for applicant. *Fullerton*, for town of Carman.

Full Court.] SMITH v. THIESEN. [Dec. 14, 1910.

Partnership—Execution against goods of one partner—Interpleader between execution creditor and other partners—Priority as between vendor of land sold on crop payments and execution creditor of purchaser—Growing crops—Bills of Sale Act.

When several persons are tenants in common of a farm and jointly raise crops on it, they are partners in such farming oper-