was elected vestry clerk of the parish. The two offices were incompatible. He published a letter accepting the office on condition that he should not be required to act as vestry clerk until his term of office as churchwarden had expired. He never acted as vestry clerk. A Divisional Court (Wright and Cave, JJ.) dismissed the application on the ground that the mere acceptance of a non-corporate office was insufficient to make proceedings by *quo warranto* applicable, and that in such a case there must be something more than an acceptance of the incompatible office, though the court guards itself against the view that an actual user of the office is necessary. In the present case the conditional acceptance, inasmuch as the condition was contrary to law, was held not to be an acceptance at all.

PRACTICE—CRIMINAL LAW—COSTS—RECOGNIZANCE—ACQUITTAL ON SOME, AND CONVICTION ON OTHER COUNTS.

In *The Queen* v. *Bayard* (1892), 2 Q.B. 181, an indictment containing several counts was removed into the High Court by *certiorari*, the prosecutors entering into a recognizance conditioned to pay to the defendant, in case she should be acquitted upon the indictment, her costs incurred subsequent to the removal. The defendant was convicted on some of the counts and acquitted on others; she then claimed to tax costs against the prosecutor on the counts on which she had been acquitted, but a Divisional Court (Mathew and Wright, JJ.) held that she had not been "acquitted on the indictment" within the meaning of the recognizance, and was therefore not entitled to any costs against the prosecutors.

ADULTERATION—SAMPLE OF MILK PROCURED FOR ANALYSIS—PORTION OF SAMPLE ONLY SUBMITTED TO ANALYST—42 & 43 VICT., C. 30, S. 3.—(R.S.C., C. 107., SS. 7, 9).

*Rolfe* v. *Thomson* (1892), 2 Q.B. 196, was a case stated by magistrates. The prosecution was for selling adulterated milk. The English Act, 42 & 43 Vict., c. 30, s. 3, provides that an inspector may procure "at the place of delivery any sample of any milk in the course of delivery" to a purchaser or consignee, and if he suspect it to be adulterated "shall submit the same to be analyzed." The inspector in the present case had taken a sample, part of which he had submitted for analysis and the rest he had retained. The question was whether he was bound to submit the whole sample for analysis in order to convict the seller; and the court (Grantham and Charles, JJ.) were of opinion that he was not.

TROVER AND DETINUE—JOINT OWNERS OF CHATTEL—RIGHT TO POSSESSION BY ONE CO-OWNER—CONVERSION BY CO-OWNER OF CHATTEL.

*Nyberg* v. *Handelaar* (1892), 2 Q.B. 202, was an action of trover and detinue by the owner of a half share in a gold enamel box. The plaintiff was originally sole owner of the box; he sold a half share in it to one Frankenheim, and it was agreed between them that the plaintiff should retain possession of the box until it should be sold. Subsequently the plaintiff entrusted the box to Frankenheim for the purpose of taking it to an auctioneer for sale, but instead of doing this he pledged it to the defendant for his private debt. The action was tried before Smith, J., who held that the plaintiff could not recover, and that the special