

ments between those in the naval or military service of the Crown are voluntary only on the part of the Crown, and give no ground for an action in respect of any alleged contract.

ALIMONY PENDENTE LITE—INJUNCTION.

In *Carter v. Carter* (1896) P. 35, Barnes, J., refused to grant an injunction to restrain a husband, against whom an order for payment of interim alimony had been granted, from alienating certain of his property *pendente lite*.

PERMANENT ALIMONY INJUNCTION.

In *Newton v. Newton*, (1896) P. 36, however, where a wife had obtained a decree nisi for divorce, and an order had been obtained under the provisions of the Matrimonial Causes Act, that the husband should secure a sum for her maintenance, Barnes, J., granted an injunction restraining the defendant and his agents from dealing with certain funds to which he was entitled, until the deed securing the plaintiff's maintenance should be executed by him.

PRACTICE—ADMISSION OF NEW EVIDENCE ON APPEAL—ORD. LVIII. R. 4—(ONT. RULE 585 (3)).

*Shoe Machinery Co. v. Cutlan*, (1896) 1 Ch. 108, was an action to restrain the infringement of a patent in which the defendant contested the validity of the patent (inter alia) on the ground of anticipation. On the trial of the action the validity of the patent was upheld and an injunction granted restraining the infringement. The defendant appealed from this decision to the Court of Appeal, and on the appeal applied for leave under Ord. lviii. r. 4, (Ont. Rule 585 (3)) to adduce further evidence of anticipation, but the Court (Smith and Rigby, L.JJ.) refused to admit the further evidence on the ground that no irreparable damage would result from rejecting it, inasmuch as the evidence in question would be admissible on an application to revoke the patent; and that, under the circumstances, the plaintiff might be unfairly prejudiced by its admission.

PRACTICE—ALTERATION OF LAW SINCE JUDGMENT—LEAVE TO APPEAL.

In *Eyre v. Wynn-Mackenzie*, (1896) 1 Ch. 135, the Court of