immunity of state-owned commercial vessels, or the width of the territorial belt.

The book deals with the law of the sea in peace as well as in wartime, although more than half is devoted to the latter. Professor Smith reminds the reader of the decisive influence which the First World War had on the rules of naval warfare. The law of the pre-1915 era has gone for good, as the Second World War showed. That war's major contribution to the law and custom of the sea may well be the recognition of individual responsibility for the commission of international crimes, as manifested in the judgments of the War Crimes Tribunals. Professor Smith has, in the new edition of his book, devoted a special chapter to this problem, "The Responsibility of the Individual". This is the only part of the book in which lawyer and sea captain alike will miss the master's firm hand and practical advice. The blame for this is not on the author, but on the state of the law.

J. LEYSER

The Assignment of Choses in Action, by O. R. MARSHALL, M.A., Ph.D. (London. Sir Isaac Pitman & Sons Ltd., 1950) pp. xxiv, 214. Australian price £2 5s.

This work, forming a part of Pitman's Equity Series, was originally written as a thesis for the degree of Doctor of Philosophy in the University of London.

In the preface the author has felt it necessary to justify the publication of a book on the somewhat narrow topic of Assignment of Choses in Action. To Australian lawyers the need for some extended treatment of this topic was demonstrated forty-five years ago by the wide divergence between the opinions of the members of the High Court in *Anning v. Anning*[1] on fundamental aspects of this part of the law.

Although the Anglo-American lawyer may justifiably regard the trust concept as a rich legacy from the former separation of tribunals administering law and equity, he would be bound to admit that substantial liabilities accompanied the legacy. Amongst such liabilities can be classed the legal problems concerning assignment of choses in action. Conscientious efforts to solve these problems call for a stout heart and the patience necessary for the examination in detail of a large number of authorities extending over several centuries.

[1] (1907) 4 C.L.R. 1049.

Dr. Marshall's work is such as to indicate that he has both the stout heart and the patience.

In Chapter I the author discusses the nature of a chose in action by analysing the definitions formulated by previous writers, and where necessary he uses an historical method as, for example, when considering whether the right of an owner out of possession is a chose in action. Chapter II contains an examination of the reasons why choses in action were in general not assignable at common law and of the use of powers of attorney and novation to evade that rule. The circumstances in which Chancery would enforce an assignment are discussed in Chapter III. Here the author adopts a classification of methods of assignment into informal assignments, assignments by way of contract and assignments by way of trust.

By making this classification and a sub-classification of the different methods of creating trusts, the author clears the ground for discussing the vexed question whether consideration was necessary for a voluntary equitable assignment before the Judicature Act.

At pp. 97–98 the author describes as one type of assignment by way of trust, the situation where the owner of the chose in action directs the debtor to hold it in trust for the assignee. According to his analysis the creditor who gives such a direction releases his claim to the debtor thereby making the debtor's legal title perfect, but as the release is subject to a trust in favour of the assignee, the legal title must also be subject to that trust. This may be true but it can hardly be described as an assignment of a chose in action. When the creditor gives the release, the chose in action ceases to exist and the result of the direction to the debtor and his acceptance of it would seem to be that he becomes trustee of a sum of money for the third person.

In Chapter IV which is, significantly enough, the longest chapter, the necessity for consideration is examined. Here the various tests for determining whether a perfect gift has been made are examined. Dr. Marshall distinguishes between choses in action which were assignable at law, for which the test of completeness was that laid down in *Milroy v. Lord*[2] and those which were not assignable at law, for which the test of completeness was, in his view, that embodied in *Fortescue v. Barnett*.[3] After discussing the authorities he comes to the conclusion that in cases where it was impossible to assign the chose in action at law, a Court of Equity would, before the Judicature Act, enforce a voluntary assignment where it was by deed, by irrevocable power of attorney or where the assignment contained a covenant for further assurance. In the latter part of

[2] (1862) 4 De G.F. & J. 264. [3] (1834) 3 My. & K. 36.

this chapter he discusses the position of voluntary equitable assignments since the Judicature Act. On this aspect, after examining the English authorities, he comes to the view, similar to that of Griffith C.J., in *Anning v. Anning*,[4] that the assignment will be upheld provided that the assignor has done everything which it was necessary for him to do to transfer the chose. The author has confined his attention to English authorities only. In the discussion on page 153 the author refers in passing to an imagined set of facts very similar to those in *Anning v. Anning* and a reference to this Australian case would have provided the author with valuable material. However, when the original purpose of this work is borne in mind, the need for maintaining reasonable limits on its scope probably dictated omission of Dominion authorities.

Chapter V contains an exhaustive treatment of assignments under the Judicature Act, and in the final section, Chapter VI, the assignment of choses in equity is dealt with.

The book is well arranged and clearly written. Minor flaws in it are few. On page 100 *Re Wait* is referred to as Re Writ and on page 124 there is reference to Lord Hardwicke deciding a case in 1682.

Although this work does not make further argument unnecessary, it is to be welcomed as illuminating one of the dark places in the law.

H. A. J. FORD

[4] *supra*.

Cases and Readings on Soviet Law, by JOHN N. HAZARD and MORRIS L. WEISBERG (New York 1950. Published in mimeographed form only).

Anybody seeking information on the Soviet Russian legal system was faced until recently with a double difficulty, not only that of language, but the even more formidable one of obtaining Soviet source material. In pre-war times studies on Soviet law were undertaken at some of the Continental universities, particularly at Breslau (Institut für Ostrecht) and Lyons. However, little work in this field was done in English-speaking countries, and not even the Soviet codes were available in English translations. Since the end of the Second World War there has been a radical change in this situation. With the emergence of the U.S.S.R. as one of the world's most powerful nations and as leader of a bloc of countries opposed to the Western world, it was realized—especially in the U.S.A.—that the lack of knowledge of the Soviet legal system represented a serious handicap. And so,