

1939

## Book Reviews

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THE CIVIL AERONAUTICS ACT ANNOTATED. By Charles S. Rhyne.  
Washington, D. C.: National Law Book Company, 1939. Pp. 324.

This work is a study of the Civil Aeronautics Act of 1938, the Congressional history which produced it, and the precedents upon which it was based. It was the first undertaking of its kind considering this new federal regulatory agency, the Civil Aeronautics Authority. It is designed, in the words of the author, "to give a picture of what Congress considered while enacting the congressional policy back of it." The picture is presented by following the "historical development step by step from the first Congressional consideration of legislation affecting aeronautics up to the present Act. Six hundred and twenty-four footnotes document the text with references to the authorities for statements made. These authorities include: Bills introduced in Congress, hearings before congressional committees, law review articles on aeronautical legislation both proposed and adopted, and miscellaneous material and writings bearing on particular phases of Federal regulation and activities in the field of aeronautics. Statutes having similar provisions to those incorporated in the Civil Aeronautics Act are cited, together with the decisions of the courts construing them." A complete bibliography on aeronautical law and regulatory experience is furnished.

The body of the text is written in clear, narrative style and the chapters are divided into appropriate headings. The first ten chapters deal with federal aeronautical activities prior to 1925, and then follows a discussion of the Air Mail Act of 1925 (Kelly Bill), the Air Mail Act of 1934 (Black-McKeller Act), the Air Commerce Act of 1926, and the legislative proposals leading up to the Civil Aeronautics Act of 1938. Chapter XI begins the discussion of the 1938 Act. Subdivision B of this chapter deals with the administrative provisions which are explained briefly but adequately, and the text is documented and amplified by foot-notes. Subdivisions C through E cover Air Carrier Economic Regulation (each part—Certificates of Convenience and Necessity, Permits to Foreign Carriers, Tariffs to be Filed, Rates for Carriage of Persons and Property, Transportation of Air-Mail, and Regulation of Business Practices—being given individual consideration), Regulation and Recordation of Aircraft, and Safety Provisions. Subdivision F, part 1, takes up the procedural provisions of the Act and part 2 sets forth the Rules of Practice of the Authority in full. Subdivision G contains a brief discussion of the miscellaneous provisions (Airports, Amendments, Repeals, etc.). Appendix A contains a list of Bills introduced in Congress from 1934 up until the Civil Aeronautics Act; appendix B a list of Bills introduced in Congress from 1919 up to the adoption of the Air Commerce Act of 1926; and appendix C the full text of the Civil Aeronautics Act of 1938. Appendix D contains the full text of the Air Commerce Act of 1926, as amended.

This volume is an appropriate handbook for the aviation industry, be the user pilot, operator or lawyer. It served a great need by its early appearance, and yet that has marked some of its limitations because some parts, such as the Rules of Practice, are already outmoded. However, the history behind

the 1938 Act will not change nor is the Act likely to undergo substantial revision in the near future.

WILLIAM G. RATHJE,  
HOWARD C. KNOTTS.

AIRPORTS AND AIRPLANES AND THE LEGAL PROBLEMS THEY  
CREATE FOR CITIES. By The National Institute of Municipal Law  
Officers, 1939. Pp. 51.

For a number of years municipal corporations, park districts, counties and other political subdivisions have been wrestling with the new administrative and legal problems incident to the acquisition and operation of airports, plus the protection of the approaches of such airports. Few precedents have been available and yet the increase in air traffic, the size of the municipal investment, the strict rules for federal assistance in connection with CWA, PWA and WPA projects, and the tendency to build in the vicinity of airports has intensified these problems, and many political subdivisions have had to "make a stab at" ordinances to satisfy immediate needs.

Therefore the booklet put out this year by the National Institute of Municipal Law Officers in cooperation with the United States Conference of Mayors should be welcomed in every municipal family. Its editors John A. McIntire and Charles S. Rhyne are to be congratulated upon digging up so much orderly material from their own researches and from the responses of the 101 city attorneys to their questionnaire. The section on the municipal regulation of flying is noteworthy in that it proposes an ordinance which recognizes the necessity of giving first recognition to the federal air traffic rules.

The political subdivisions affected by airports will have internal problems of little interest to aeronautical people, except that airport management should be kept free from political influences, but each person who flies has a very definite interest in the proper maintenance of an airport and having it so zoned as to be free from obstructions. Therefore all aviation should make voluntary contributions of experiences to the National Institute of Municipal Law Officers, 730 Jackson Place, N. W., Washington, D. C., else its files will lack a record of important municipal legislation and activities with respect to airports and the regulation of flying. It is hoped that the booklet will be reissued annually, at the same modest price, in order to keep up with the numerous new developments in this field.

HOWARD C. KNOTTS.