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Book Reviews

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BOOK REVIEWS

SHAWCROSS AND BEAUMONT ON AIR LAW, Second Edition, by Christopher N. Shawcross, K. M. Beaumont, and Patrick R. E. Browne; Butterworth & Co. (Publishers) Ltd., Bell Yard, Temple Bar, London, 1238 p. with index. \$26.50. Agents: The Carswell Co., Ltd., 145-149 Adelaide Street W., Toronto 1, Canada.

Comparison of the First and Second editions of this book portrays in sharp relief the change from an international air law based on the Paris Convention to that of the new Chicago Convention era. The First edition, published in 1945 after an earlier manuscript was burned in the "blitz" of London, contained the following note on the Title Page, "If an International convention emerges from the discussions at the Chicago Conference, and such convention is ratified by a substantial number of States including the British Empire and the United States of America it is intended to publish a supplement to this book dealing with such convention." More than a supplement has been needed and this edition with five years of the Chicago Convention experience to relate is a book that will prove valuable to the air lawyer, government official or student.

For most American users the main value of this book lies in its presentation of international air law. After a short historical summary and statement of terms, the authors treat the nature, sources and scope of international air law along with the machinery for creating and administering it and Part V offers discussions of laws restricting and regulating the right to fly including the challenging problems of the "right of non-scheduled flight" of Article 5 of the Chicago Convention. The next section presents concisely the laws governing the establishment and operation of air transport services and the text on the "Bermuda Plan" makes interesting reading in view of current trends in aviation bilaterals. Other parts of the book deal with international law relating to ownership, hire, manufacture, master and servant problems, airports and air navigation facilities and aircraft insurance.

The appendices of the volume deserve special mention because they present a compact collection of the texts of the following international conventions: Warsaw, Sanitary, Rome, Precautionary Arrest, Salvage, Fuel Tax, Chicago Transit, Transport and Mortgage. Earlier conventions which were included in the first edition are omitted. A ready reference table of parties to the conventions is also provided.

E. C. S.

HIGH HORIZONS, by Frank J. Taylor, McGraw-Hill Book Company, Inc., 3300 W. 42nd Street, New York, N.Y. 198 p. illus. \$4.

While this book is intended to be the study of the development of United Airlines, the author interweaves the story of U. S. commercial aircraft improvement and production and airline finance.

This volume is not written as a technical treatise for aviation lawyers, but it has much of the behind-the-scenes story of some of the legal and governmental problems which have faced the airlines. For example, the following quotation from the book is typical:

"The Black Committee investigation would have resulted only in a revision of contracts, instead of the drastic and calamitous cancellation order, except for the unexpected entry of Franklin D. Roosevelt per-

sonally into the picture. Although the cancellation order was issued by Postmaster General Farley and Farley was blamed for the dire consequences, it developed later that he had very little to do with it. What happened was largely the doings of an incoming President, still eagerly throwing the rascals out. Alert for ways of discrediting the Hoover administration anew, the President and his White House advisers picked up the testimony before the Black Committee, spotting a new whipping boy.

"When Farley was called to the White House and asked about holdover mail contracts, he agreed that they should be canceled, but advised that the operators be allowed to fly the mail at reduced rates, to be determined after new legislation could be passed. Overruling his Postmaster General, the President decided upon a dramatic gesture of cleaning the Hoover stables. He called in General Benjamin D. Foulois, chief of the Army Air Corps, and asked if his pilots could take over and fly the air mail. With the Air Corps starved for appropriations, the General recognized an opportunity to make friends and influence Congress. He assured the President his pilots would be ready in a fortnight. It was a well-meant promise that backfired disastrously.

"Although the Postmaster General, Assistant Secretary of Commerce for Aeronautics Eugene Vidal, and other advisers counseled otherwise, General Foulois's assurance was all that the headstrong President needed to fan up an artificial emergency, which he did in an executive order issued from the White House on the afternoon of February 9, 1934."

This and other quotations which could be made, should tempt many readers of aviation literature.

C. T. L.

ECONOMIC REGULATION OF SCHEDULED AIR TRANSPORT,
by A. J. Thomas, Jr. Southwestern Legal Foundation Series; Dennis &
Company, Inc. Buffalo, N. Y. 266 p.

This book should become a popular volume for both air lawyers and the teachers of law students. For the latter the book could be used equally well as a text in administrative law or international law classes. A short chapter on the Constitutional Basis for the Regulation of Civil Aviation is worthy of note also. The author cites cases which should furnish practitioners with the initial direction for their further research and the inclusion of pertinent excerpts from CAB decisions and interpretative footnotes complete the volume.

About one-third of the book deals with the economic regulation of international air transport. In this brief space, however, the author covers both the proposals and actualities in this intriguing field. The author concludes that U.S. international air carriers by wise planning and operation may be able to cut their losses in the near future but that the problem of "fifth freedom" traffic rights will require an "international body with the regulatory authority over the granting of operating rights, rates and unfair practices of nations and international airline companies."

C. T. L.