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## Book Reviews

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## BOOK REVIEWS

1. 1929 UNITED STATES AVIATION REPORTS. Edited by Arnold W. Knauth, Henry G. Hotchkiss, Allen J. Furlow, and Emory H. Niles. Baltimore, Maryland. J. H. Furst Co. Pp. x, 961.

The second volume of this excellent series of reports is a worthy addition to the 1928 Reports and will be welcomed by every one interested in the development of air law. The first one hundred and nine pages deal with recent decisions, including seven cases primarily concerned with airports and municipal corporations, five cases on insurance, three cases on personal injuries, and others dealing with common carriers, damages, exhibition contracts, criminal law, practice, and workmen's compensation. A supplementary list of cases is added.

The statutory material is voluminous and indicates the tremendous growth of aviation legislation by the several states. It shows most clearly the need for stressing uniformity of legislation. A Legislative History of the Air Commerce Act of 1926, as compiled by Frederic P. Lee, is included. The Federal Regulations, containing the Air Commerce Regulations as amended September 1, 1929, are set forth, as are also the Regulations relative to Foreign Air Commerce and the Canadian Statutes.

Beginning at p. 286, there follows the Patent Cross-License Agreement, amended Dec. 1, 1928; Suggested Uniform Ordinance and Field Rules for Airports; the Report of the Committee on Aeronautical Law of the American Bar Association, October, 1929; and some fifty pages of Commercial Forms, including airport lease, passenger tickets, airplane purchase chattel mortgage, etc.

The final five hundred pages present the State and Territorial statutes and regulations. As source books for air law, this series of reports leaves little to be desired.

2. ÉLÉMENTS CRÉATEURS DU DROIT AÉRIEN. By André Henry-Couïannier. Paris, Orbem, 4 Rue Tronchet. 1929. Pp. 343.

This book deals almost entirely with the international phases of air law. The first chapter discusses the historical development of juristic literature and the organizations formed to study the problems of air law. The author limits his title to the law of air navigation on the claim that radio law is concerned with the domain of the ether, and so should not be included under air law. The second chapter deals with the situation following the war and indicates the German position under the terms of the Versailles Treaty, the important differences between the CINA and CIANA, and the work of the various international organizations.

In chapter three, the author touches on the subject of municipal law in discussing the question of flying over private property. After a brief analysis of the leading theories, all of which are rejected,

the author adopts as sound the principle of the French Law of 1924. Here is given a right of passage over private property—a sort of servitude for the general benefit of air navigation, which does not dispute the essential right of proprietorship in the air space, as provided in Article 522 of the French Civil Code. However, a restriction is imposed to the effect that this right to fly over must not hinder the exercise of the rights of the proprietors of the overflowed land.

Chapter four deals with the important question of sovereignty. The views of Fauchille are given careful attention, while the other views are less thoroughly treated. Believing the present sovereignty position unsound and destined to become a "lettre morte," the author advocates the view of the Comité Juridique International de l'Aviation: liberty of air navigation, limited by safety measures determined by the several States in as uniform a manner as is possible.

Chapter five discusses the problem of air frontiers, nationality of aircraft, registration, air routes, customs, etc. The author advocates the conferring of nationality on aircraft and states that the nationality conferred on the aircraft should be that of the State which assumes the responsibility of placing it in service. Further, that every aircraft should be registered in the country where it has its port d'attache.

Chapter six discusses the question of air warfare. Relative to the subject of legitimacy, the author states that while the means are legitimate, the effects are not entirely so because of the injury to non-combatants. He concludes that it is desirable to abolish the use of aircraft in war, and that its potential power should be employed to further the cause of international peace and arbitration. There is also an analysis of the sixty-two articles contained in the project of the Commission of Jurists at the Hague, in 1922-1923. Eleven documentary annexes and a valuable bibliography follow the text.

It might be objected that the book is somewhat sketchy in spots, and not without the element of bias, yet it would be a captious critic indeed who failed to recognize the real worth of the material offered and the merit of the suggestions clearly stated and well organized.

3. *LAS LEYES DE LA AERONÁUTICA*. By R. Gay de Montellá. Barcelona, Librería Bosch, 5 Ronda de la Universidad. 1929. Pp. 443.

Part I contains 97 pages dealing with 14 chapters relative to air law. The material contains a discussion of the historical background of international conventions and Spanish legislation, a contrast between the Spanish and foreign concepts of the definition of aircraft, together with the distinguishing features of public and private aircraft, and an analysis of the legal status of an aircraft. Chapters three and four continue the discussion of aircraft and deal with questions of nationality, registration, mortgage.

Chapter five takes up the matter of airdromes and airports as regulated by the Spanish law of July 19, 1927, together with the question of customs airdromes. Chapter six considers the question

of personnel, and the regulations of May 1, 1928, and the matter of the status of the pilot or commanding officer of the craft. Sovereignty and the limitations upon the right of flight are considered in chapter seven and are related to the Spanish laws. There is also a discussion relative to the *Convenio Ibero-americano de navegación aérea* of 1926.

Follows, in chapter eight, a rather detailed outline of the regulations relative to certificates of registration, of airworthiness, pilots' licenses, marks on aircraft, etc., while chapter nine deals with the use of airdromes, landings, rights to assistance and salvage, and customs. The matter of jurisdiction over acts in and against aircraft make up the subject of chapter ten, while the following chapter deals with the economic background and discusses the question of subventions, etc.

The last three chapters deal with duties and liabilities—to persons in the aircraft and upon the ground, and with criminal matters.

Part II contains over a hundred pages of Spanish law governing air navigation. Part III deals with the CIANA and CINA conventions. Part IV presents the basic air law of twelve other countries, including the Air Commerce Act of 1926. Part V contains the *Code de l'Air* and other products of the CJIA and CITEJA.

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