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Book Reviews

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BOOK REVIEWS

1930 UNITED STATES AVIATION REPORTS. Edited by Arnold W. Knauth, Allen J. Furlow, Henry G. Hotchkiss, and Emory H. Niles. Baltimore, 1930. Pp. xx, 573.

Continuing a collection of all the court decisions, statutes and regulations on aviation law, the 1930 volume supplements its predecessors, the 1928 and 1929 Reports of the same name, and adds new material which is most worthwhile.

Three new sections have been added which strengthens the value of the series. (1) The Gasoline Tax Digest, (2) The Cumulative Table of Federal Statutes and Regulations from 1919 to 1930, and (3) The Cumulative Table of State and Territorial Aviation Statutes and Regulations from 1913 to 1930. Each of these new sections created gives a large amount of information valuable to all those who are interested in aviation whether he be attorney, pilot, or legislator. And each should be of the greatest assistance and practical help to the users of the volume.

The Index-Digest is again excellent. However, in the frequent use of the books, a Cumulative Index-Digest would prove invaluable. If this were the case, a person could go to the last volume published, locate the desired information and then use the volume which has it. Under the present conditions, a search of three volumes is necessary.

This volume includes the two most important decisions which have been handed down in this new field of the law—the *Smith v. New England Aircraft Company* and the *Swetland v. Curtiss Airports*—as well as twenty-six others. As a source book or, as a tool, for information, or for otherwise, the 1930 United States Aviation Reports is commended to all those in aviation.

KURT J. KREMLICK.

ANUARIO DE AERONAUTICA (1929): Spain.

That Spain has been making noteworthy progress in aerial navigation, notwithstanding the evident uncertainty of her political life, is attested by the first official year-book published by the General Administration of Aerial Navigation and Transports. Her forward movement in this direction has been steady and concrete.

Her system of airports is both *national* and *municipal*. The national airports are located at such important centers as Barcelona, Madrid, Valencia, Seville, Alicante, Malaga, Burgos, Irun, Galicia and Canary Islands. The municipal airports are at Santander, Bilbao, Almeida, Huelva and Pamplona. By far the most important airport in the kingdom is at Barcelona, which has become the converging point for airlines from France, Germany, Italy and Madrid.

The number of airdromes in the kingdom is given as: Military, 18, and Municipal and Private, 10. Seven air-lines are now

in full operation there, namely, the Compagnie General Aeropostale, Loring, Concesionaria de Lineas Aereas, Lufthansa, Compania de Lineas Aereas Subvencionadas (C. L. A. S. S. A.), and Compania Transaerea Colon. The air traffic figures for the year 1929 are given as:

For Aircraft:

- (A) Arrivals:
 - (1) Commercial—1571;
 - (2) Touring—133;
 - (3) Military—110;
- (B) Departures:
 - (1) Commercial—1553;
 - (2) Touring—111;
 - (3) Military—82;

For Passengers:

- (A) Arrivals—4761;
- (B) Departures—4826;

For Merchandise:

- (A) Imports—70,549 kilos;
- (B) Exports—34,861 kilos;

For Mail:

- (A) Arrivals—7,284 kilos
- (B) Departures—5,712 kilos

These figures show rather impressively the seriousness with which aerial navigation has been taken up in Spain.

A number of aero clubs have also been organized, such as the Royal Aero Club of Spain, Guipuzcoa, Cataluna, Andalucia, Burgos and Almeira. Then there is the Superior School of Aeronautics at Cuatro Vientos, established by Royal decree on September 29, 1928, housed in a magnificent building, and offering special courses on: Aeronautics, Aircraft, Aeronautical Engineering, and Aerial Navigation. There is also the school of Pilotage at Getafe, established in 1929, and the School of Military Aviation Mechanics at Cuatro Vientos.

The book is richly illustrated with cuts on various phases of aeronautics, charts, tables of statistics for national, municipal and private airdromes.

A very sketchy *resume* of aerial navigation in Spain is also given.

The book is very creditable to the Air officials of Spain, and they are to be congratulated for its excellent presentation.

JULIUS I. PUENTE.

LA RÉPARATION DES DOMMAGES CAUSÉS AUX VOYAGEURS DANS LES TRANSPORT AÉRIENS. By André Kaftal. Paris: Recueil Sirey, 1930. Pp. 48.

The thesis of this very interesting and clearly written little brochure—which is reprinted from the *Revue trimestrielle de droit civil*, 1929—is that aviation is an entirely new form of transporta-

tion which is so different, in principle, from other forms of transportation that the application of existing legal rules and formulas leads to disastrous results and, specifically, that the principle of compulsory insurance should be substituted for a doctrine of responsibility based upon the fault of the carrier and to be proved by the injured party.

The first half of the monograph is given over to an analysis of the legislation and jurisprudence of France, Poland, Germany, Switzerland, Czechoslovakia, Italy and Russia. The conclusion reached is that, despite the differences—wherein the legislation of France and Italy is most favorable to the passengers and that of Germany most liberal to the carrier—there is a common characteristic in that the responsibility is universally based upon the concept of fault of the carrier. M. Kaftal then proceeds to show the essential differences between air transport and other forms of transportation—which are enumerated as follows: (1) the far greater charges for depreciation and obsolescence in air transport, (2) much higher insurance rates against accidental damage, (3) higher operating costs—including costs of navigation facilities, and (4) greater damage awards in proportion to the number of injuries since the injuries are nearly always severe. These prohibitive costs of operation have necessitated governmental subsidies and, if air transportation is to continue, the indemnities assessed against the air carrier must be considerably limited. By way of summarizing this section, the author points out (a) that the ideal arrangement is for speedy and adequate compensation to the injured, (b) that none of the existing systems is satisfactory, whatever the judicial construction given to the laws, and (c) that a new means of transport requires new treatment.

Having indicated the antiquity of the present principles of responsibility (2500 B. C.), the author then devotes the final pages to an explanation of the merits of the advocated insurance scheme. The idea, he remarks, is not entirely new, although the method of leaving the matter of insurance to private initiative has not been satisfactory. The insurance must be compulsory, and is to be supplemented by a system of optional insurance available to the travelers. The former insurance is to vary with the air line—being higher on the line with the least danger (which, the author admits, is a bit of a paradox—and which is explained by the fact that on such a line there will be less incentive for passengers themselves to take out insurance).

The monograph is one to be welcomed for its lucid and authoritative statement of the jurisprudence of the various countries relative carrier responsibility to travelers. While some will disagree with the conclusions advanced, there is no doubt that they merit careful consideration.

FRED D. FAGG, JR.