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## Book Reviews

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## BOOK REVIEWS

NATIONAL REGULATION OF AERONAUTICS. By Charles C. Rohlfsing. Philadelphia: University of Pennsylvania Press, 1931. Pp. ix, 298.

In setting forth, in clear and readable fashion, the organization and very admirable work of the Aeronautics Branch of the Department of Commerce, the author has rendered a useful and valuable service. The subject of national aeronautical regulation is treated both historically and analytically.

An introductory chapter sketches the development of the aeronautic industry and the following two chapters are concerned with the historical growth of federal regulation. They trace the activities prior to the war and outline the basic features of the Air Commerce Act of 1926.

Chapters IV to VI inclusive present the organization and program of operation of the Aeronautics Branch. Occasionally critical, the main body of this material is descriptive in nature. For one wishing to understand the administrative routine and problems, these chapters will be found particularly valuable.

Chapters VII and VIII treat the physical aids to navigation and the problems of safety—the latter chapter being sufficiently detailed to merit careful attention.

Chapters IX and X discuss state legislation and the legal questions of aviation. To the reviewer, they are the most unsatisfactory of any in the volume. The preceding chapters are up to date; these fail to show the current developments in air law—particularly in the fields of legislative activity and the discussion of theoretical questions. It is to be regretted that the wealth of articles which have appeared in recent months, and which deal with problems of air law, have not been considered by the author. It is sufficient, in this regard, to indicate that the bibliography—which purports to be complete to March, 1931—should announce the contents of the two periodicals devoted to air law only for their first issues, January, 1930.

The final chapter offers certain conclusions and recommendations and although the author states that "he has seriously attempted to refrain from ripping if he did not believe he could suggest repairs," it might be pointed out that some of the suggestions—particularly those relative to state and federal jurisdiction—are too fragmentary for satisfactory, or practical, patching.

The bibliography is entirely a selected one, though fairly serviceable. Numerous errors in the volume show hasty editing, but the book, despite the limitations mentioned, will find a place because of its readable presentation of a timely subject matter.

F. D. F.

MUNICIPAL AIRPORTS. By Jos. H. Wenneman. Cleveland: The Flying Review Company, 1931. Pp. xxviii, 879.

Although limited by its title to the rather narrow field of municipal airports, this book seems, rather, to be the publication, between two covers, of the mass of aeronautical information which the author has collected during recent years and which, for supposed convenience, has been bound into one volume. Instead of being a treatise on municipal airports, this volume is a hand-book of aviation material—useful, if one is not too greatly misled by it.

At first glance, one must take issue with the policy of including extraneous material. Enough histories of aviation development, from mythology to 1931, have appeared to make the space here, taken too valuable for such excursions. Further, one must question the insertion of a running account of international development in a book of such limited scope.

A none too captious critic would suggest that the book might well have started with Chapter VII, p. 319, wherein is presented a digest of state airport enabling acts. The preceding pages print Federal and State laws and regulations, in full, that either are out of date (and were when the book was published) or will soon be so. State laws that are repealed by legislation of 1931 are printed verbatim. (And the digest of legislative trends, given in Chapter XXIII, which is a last-minute attempt to bring the state laws up to date, does not aid the situation materially.) If this documentary material is worth including in this book (and the reviewer thinks it is not), it could have been placed in suitable appendices. However, there are also included chapters on the right of flight, governmental aid, etc., that are not necessary to the treatment of this subject. It is worth noting that, while the resolutions of the Milwaukee Legislative Air Parley (February, 1930) are given in full, those of the First National Legislative Air Conference (Chicago, August, 1930) and of the Chamber of Commerce of the United States (regional conferences held during the fall of 1930), together with the Proceedings of the Federal Conference (Washington, Dec., 1930) are not even mentioned. (The Washington Conference is, however, mentioned later. See, for example, page 471.)

The chapters dealing with municipal airports contain much valuable discussion and suggestions of merit. Chapters XV and XVI dealing with lease and agreement forms and business forms, respectively, are most serviceable. But unfortunately, these chapters on municipal airports seem lost in a maze of data of questionable kinship to airports.

References to current periodical literature are scanty and the more recent legal articles have, seemingly, been entirely overlooked.

Considering the contents, the title is unwarranted. But enough may be found on the subject of municipal airports to make the book worth consulting.

F. D. F.

AIR AND AVIATION LAW. By William Marshall Freeman. London: Sir Isaac Pitman & Sons, Ltd., 1931. Pp. xi, 163.

"The object of this volume," as explained in the author's preface, "is to provide a book on the law relating to aviation as it is to be found in the Statutes passed by Parliament, and in the various ordinances issued under the authority of the same. It differs in this respect from most of the other books on the subject that have so far appeared, being in no sense a volume of explanatory lectures."

The title of this book is valuable only in distinguishing it from other works on the same subject. The author makes no distinction between air and aviation law, and the only law discussed concerns aeronautical law. Of the ninety-eight pages devoted to five chapters of text material, only twenty-four pages are given to discussion by the author. The remainder of the space is devoted to documentary material—the CINA convention, the Air Force (Constitution) Act of 1917, the Auxiliary Air Force and Air Force Reserve Act of 1924, the Air Navigation Act of 1920, and the Consolidated Regulations (Air Navigation Order, 1923). Five Appendices present: (a) the Air Navigation Directions, 1930; (b) the Air Navigation (Investigation of Accidents) Regulations, 1922-1930; (c) the Merchant Shipping Act, 1894; (d) the Air Transport (Subsidy Agreements) Act, 1930; and (e) the Workmen's Compensation (Aircraft) Order, 1924.

The compilation of such a wealth of documentary material is most useful; but the reader will find little of value in the general discussion—which is so fragmentary as to be, at times, entirely misleading. In chapter five (the only one that might lay claim to analytical discussion), the author deals with the so-called legal problems and case law of aeronautics. Questions of air space proprietary rights, tort liability, contractual incidents, and criminal offenses are partially enumerated, though not explained. As a source book for statute law and regulations, the volume serves a distinct purpose.

F. D. F.

LES ASSURANCES AÉRIENNES. By René Blum. Paris: Recueil Sirey, 1930. Pp. xi, 421.

This study of aeronautical insurance is presented from a three-fold viewpoint: economic, technical, and legal. It is the most comprehensive and carefully prepared monograph covering this important subject.

Following an introduction which deals with the history of aeronautical insurance and a description of insurance pools, Part I discusses, in six chapters, the technical questions of aviation insurance. In this section of nearly sixty pages, the following subjects are treated: (1) studies made to obtain satisfactory statistics and their interchange; (2) classification of aircraft, services and risks; (3) administrative bodies controlling aircraft construction and

aircraft classification, registration, etc.; (4) studies of accident causes; (5) accident statistics; and (6) amelioration of risks. The author does not limit his discussion to the French experience but offers comparisons with the experience of all the leading countries, together with the activities of the international organizations concerned with aeronautical control.

Part II, comprising some thirty pages, examines the legal basis of aircraft insurance. The first chapter sets forth the sources of this law as found in national legislation, treaties and conventions, and discusses the work of the various international bodies—particularly that of the C. I. T. E. J. A. The second chapter, which is on the nature of a survey of the considerations to be taken up in Part III, details the characteristics of aircraft insurance and the arguments for and against codification.

Part III, containing two hundred and forty pages, presents a very complete study of the different types and forms of aircraft insurance. This section, of course, is the most valuable in the book since more thorough treatment is given each portion of the subject. There are three sub-divisions dealing with (1) insurance of aircraft, facilities, and goods; (2) insurance of persons; and (3) liability insurance. One chapter, Chapter II, presents the arguments pertaining to compulsory insurance or guaranties against loss—the author being opposed to the principle of “assurance obligatoire.”

In his conclusions, the author briefly reviews the insurance developments in some ten countries. Ten annexes and a bibliography on aircraft insurance complete the book.

F. D. F.

LA PROTECTION DES POPULATIONS CIVILES CONTRE LES BOMBARD-  
MENTS. (Consultations Juridiques de A. Hammerskjöld,  
Sir George MacDonogh, M. W. Royse, Vittorio Scialoja,  
Marcel Sibert, Walter Simons, Jonkheer Van Eysinga, A.  
Züblin.) Geneva: Comité International de la Croix-Rouge,  
1930. Pp. 253.

In 1929, the German Red Cross placed a sum of ten thousand marks at the disposition of the International Committee to provide a study, by qualified experts, of the question: “Is it possible to lay down precisely the rules of International Law protecting the civil population, outside the zone of artillery fire, against bombardments of any sort or to render these rules more effectual?” The present volume presents the eight essays submitted by representatives of France, Germany, Great Britain, Italy, Netherlands, Sweden, Switzerland and the United States.

While some of the views conclude in the affirmative, the prevailing opinion doubts the possibility. Professor Royse, speaking for the United States, concludes that “existent International Law does not afford protection against bombardment to the civil population outside the zone of artillery fire. Under the existing rules, on the

contrary, civil populations wherever found, regardless of their remoteness from traditional battlefield or zone of land operations, can be subjected to bombardment of military objective. . . . In other words, existent International Law does not prohibit the hunting down and destruction of military objectives regardless of whether they are located in the midst of civilian communities; nor does it definitely and positively prohibit even devastation and terrorization." And, in answering the proposed question in the negative, Sir George MacDonogh, the representative of Great Britain, states: "The value of aerial bombardment as a weapon of offense is so great that it seems impossible to lay down any effective rules for the protection of the civil population, outside the zone of artillery fire, which are likely to be observed, and it is submitted that the only effectual means of protecting non-combatants from the horrors of war is by abolishing war itself."

On the contrary, Colonel M. A. Züblin, of Switzerland, answers the proposition in the affirmative and offers a proposed convention consisting of some fourteen articles for the protection of civil populations from aerial bombardment.

The essays are printed both in the original language of the text and in French. No more excellent survey of this troublesome problem could be found in any single volume.

F. D. F.

AIR POWER AND THE CITIES. By J. M. Spaight. London: Longmans, Green and Co., 1930. Pp. ix, 244.

Written as a sequel to the author's "Air Power and War Rights," this book deals, in quite detailed fashion, with the question of air bombardment. The analogy lesson of naval bombardments is considered carefully and with abundant illustration. Although written, seemingly, with an eye to arousing the attention of peoples generally to the tremendous importance of air power in a "next war," the author is not carried so far by his convictions as to exaggerate unduly in his assertions or predictions.

The whole book is a sane and balanced discussion of the air power and bombardment question. The writer believes that air bombardment will be directed almost entirely against military objectives (which term is, admittedly, a broad one). The essential difficulty is in protecting civil populations where they are housed adjacent to military objectives and also the difficulty encountered by enemy airmen in actually locating, and then actually bombing their intended military objectives. In each case, the author gives an abundance of illustrations from the Great War to make clear his point.

Relative to bombing objectives located in urban centers, we have this trenchant sentence: "Unless conditions have changed out of all knowing since 1918, there is no escape from the verdict that to bomb factories, barracks or railway stations situated in the midst of shops and dwellings is to bomb the shops and dwellings, too."

And, with regard to preventing or limiting the bombardment of military objectives within cities, he adds: "It is impossible to deny a belligerent the right to destroy the potential and destined means of his own destruction. Upon that right the rule of military objective is based. To accord him the right and at the same time to qualify it by allowing only the use of such a degree of force that human life cannot be endangered is to make the right a nullity."

Having had attention drawn to the possibilities of air power, it might seem surprising to find a concluding statement that "air power is the great potential disarmer, the great potential war-breaker," but, the author explains, "in the degree in which it (air power) recognizes and accepts that call and that destiny, so the menace which it holds for cities will grow less." A conclusion not entirely lacking in hope.

Because of the practical, yet scholarly, way in which the subject is handled this volume should not be overlooked in any study of the bombardment problem.

F. D. F.