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Book Reviews

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BOOK REVIEWS

Department Editor.....KURT J. KREMLICK

CASES ON AIR LAW. (2d Edition.) By Carl Zollmann. St. Paul: West Publishing Co., 1932 Pp. xvi, 612.

The first edition of this case-book (reviewed by Geo. B. Logan, 1 JOURNAL OF AIR LAW 231), the first devoted to aeronautical and radio law, included practically every decision of merit handed down in these two fields. The second edition clearly shows the great increase of aviation and radio litigation, for about one-half of the aeronautical material consists of recent decisions and some two-thirds of the radio material is new. The author's problem has now been the careful selection and arrangement of cases. In this Professor Zollmann has been very successful in presenting within the confines of a 600 page volume the leading air law cases.

Eleven chapters are devoted to aeronautical law and deal with Admiralty Law, Statutory Construction, Interstate Commerce, Air Space Rights, Airports, Torts, Contract, Crime, Insurance, Carriers and Workmen's Compensation. The order of presentation has been changed somewhat, one chapter has been omitted, and two have been added.

Thirteen chapters concern radio law, including: Radio Act, Interstate Commerce, Statutory Construction, Licenses, Municipal Corporations, Torts, Contract, Insurance, Crime, Copyright, Unfair Practices, Interference, and Public Utilities. (For a comprehensive review of the radio section see 2 JOURNAL OF RADIO LAW 651.)

Three appendices present the Air Commerce Act of 1926, the Uniform State Law of Aeronautics, and the Radio Act of 1927.

Apart from the inclusion of recent decisions and rearrangement of case material, this second edition has several other merits. Foreign cases of importance have been included, many of which have been carefully translated by Prof. Zollmann, and a most useful bibliography has been appended to nearly all chapters. This feature is a distinct improvement over the first edition as it makes available to the student an abundance of periodical material published by the three air law journals subsequent to the first edition of Prof. Zollmann's case book.

By the time a third edition appears, the reviewer believes it will then be desirable to divide the material into two separate case-books, one devoted to aeronautical and one to radio law. For the present, it seems desirable to treat both, for class-room purposes, under the head of air law.

Now that so much more material is available on these subjects, it is believed that an increasing number of courses on air law will be found in the various law school curricula.

F. D. F.

LE RISQUE DE L'AIR. By Roger Prochasson. Paris: Pierre Bossuet, 1931. Pp. 251.

This book is an examination of the problem of liability. The analysis of the problem is new and provocative; the solution has been suggested many times before. It is the strength of the analysis that it distinguishes the conditions of airplane travel from those of any other system of transportation. Thus it justifies the creation of a new and peculiar law to govern only transport by air. The problem of liability is approached by a consideration of the nature of the risk. This is the logical and seemingly obvious method, yet, in the muddled literature which treats this subject, the risk has been noticed only incidentally and without a clear understanding of its significance. For it is the "risk of the air"—atmospheric conditions overtaking the pilot in flight (not Acts of God), unforeseeable defects in the construction of the plane, motor failure,—which is the special and distinctive risk of aviation, and it is because of the existence of this risk that the Common Law liability generally applied to transportation is inadequate for airplanes.

The first part of the book is an intelligent examination of the proportion of accidents imputable to this risk, of the work of various organizations designed to give a greater safety to aviation, of the genesis of the existing laws determining liability, and of the complications attendant upon international flying. The second part of the book is given to a discussion of insurance, "the only solution for the risk of the air." The author considers the development of airplane insurance, the growth of consortiums and insurance combinations, the content of policies, the amount of the premiums, and the relation of the government to such insurance.

Finally the author suggests that the aviation companies be permitted to absolve themselves where injury to passengers has resulted from "the risk of the air" and that the burden of such accidents be borne by insurance companies through some system of compulsory insurance. However, when the injury has resulted from negligence of the aviation company, then the passenger may sue that company to recover for his injury above the amount of the insurance policy.

The book, which was a doctoral dissertation at the University of Paris, is rational work. While the author has drawn freely from M. Blum's treatise on airplane insurance, M. Loniewski's *Assurance et responsabilité en Matière de Transport* and from various writings of M. Kaftal, he has arranged the ideas in a convincing procession. The book deserves notice in America where contemporary experts have dismissed compulsory insurance with too casual and contemptuous a glance.

GEORGE W. BALL.

L'AVIATION SANITAIRE DEVANT LA XIV^E CONFERENCE INTERNATIONALE DE LA CROIX-ROUGE (Bruxelles, 6-11 Octobre, 1930). By Ch. L. Julliot. Paris: Extrait de la Revue Géné-

rale de Droit Internationale Public, No. 2 de 1931, A. Pedone, Editeur, 1931. Pp. 76.

The Preface to this pamphlet is written by M. Etienne Riche, *Sous-Secrétaire d'Etat à l'Air*. Aircraft ambulances in time of peace as well as war for the transport of wounded or injured, physicians, personnel and supplies is discussed in detail by M. Julliot, with a good bibliography. In connection with the draft for an international convention to adapt air warfare to the principles of the Geneva Convention of 1929, he recalls the cooperation of the International Red Cross since its XIth conference and of the First International Congress of Air Ambulance Service (*aviation sanitaire*). Immunity of air ambulances and their personnel is discussed and among other subjects, priority of attention in the passage of such aircraft, flight over war zones, non-use by governments for military purposes and transfer of personnel from ambulance service to military duty.

MARGARET LAMBIE.