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Book Reviews

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BOOK REVIEWS

Department Editor.....FRANK E. QUINDRY

TRAITÉ THÉORIQUE ET PRATIQUE DE DROIT AÉRIEN. By
Marcel Le Goff. Paris: Librairie Dalloz, 1934. Pp. xxviii, 916.

This new and valuable text offers a comprehensive survey of all legal material pertinent to French aeronautics. Nothing could more completely indicate the tremendous growth of aviation and aeronautical law for, despite its nine hundred pages, it is hardly more than a survey.

Thirty-two chapters are grouped into four main divisions, as follows: I. Generalities, II, Public Air Law, III. Private Air Law, and IV. Comparative Law. There is also included a selected bibliography of French materials, and a useful check-list of French legislation and regulations, arranged chronologically.

In Part I, the American reader will be most interested in the chapter dealing with airspace interests. The author attempts to bring the seemingly rigid provisions of Article 552 of the French Civil Code within reasonable bounds, so as to limit the rights of the landowner to a height determined generally by structures erected, trees, etc. However, there is no systematic study of the various problems arising out of the conflict of interests between the aviator and the landowner, and no attempt to distinguish methods of their treatment.

The remaining chapters of the first part are devoted to a description of the Paris Convention of 1919, and various bilateral aviation agreements affecting France.

In Part II, chapters eight and seventeen will be of particular interest to American lawyers. The former contains a good account of the *Bureau Veritas* and the latter describes in considerable detail the administrative agencies of the government which have to do with aeronautics. In this part, other subjects dealt with include aircraft, nationality, licensing, customs, prohibited zones, airports, signals, etc. The two final chapters summarize the provisions affecting the use of aircraft in war.

Part III contains some excellent material pertinent to commercial air transport—particularly the relation of the French Government to the aviation industry. Chapters 24 and 25 give a full analysis of the contract of carriage and two chapters which follow on insurance will be found helpful. Here, unfortunately, the statistical material has not been brought up to date. The final chapter on the Warsaw Convention attempts only a running discussion of the high points. In view of Goedhuis' recent monograph, this chapter seems quite sketchy.

Part IV offers an outline, by way of comparison, of the essential features of the Belgian, Swiss, German, British, Italian, Russian, etc., air law systems. The two chapters in this division are not intended to do more than suggest what has been provided elsewhere. The program in the United States, for instance, is given only seven lines in the discussion.

It would not be difficult to quarrel with the method of classification of topics and general arrangement of material in this book. Obviously, the practical problems affecting civil aeronautics (and particularly the commercial airlines) have not determined the arrangement, for the two-fold division of public and private air law has no particular meaning, and is too simple to meet the needs of the situation. Further, the author's practice of numbering each main paragraph may be useful for purposes of supplemental writings, but the reader would have benefitted more from the use of sub-headings within the individual chapters.

Many who purchase this book will wish it contained some of the customary documentary material in the usual appendices. Though numerous references are made to the Convention of 1919, the Warsaw Convention, the basic French legislation, bilateral agreements, etc., they do not appear in the book. Evidently the author has either been limited as to pages by his publisher or believed that these documents could be readily obtained through other sources.

No library that attempts to cover the subject of air law should fail to include this book on its shelves, for it is the most complete and useful treatise on French aeronautical law that has yet appeared.

FRED D. FAGG, JR.

AIR LAW: OUTLINE AND GUIDE TO LAW OF RADIO AND AERONAUTICS. By Howard S. LeRoy. Washington. Privately printed, 1935. Pp. 120.

An inspection of this book leaves one with the feeling that it is most unfortunate that so much labor has been expended in the production of something of such slight value. The book purports to contain an outline and bibliography of material pertaining to aeronautical and radio law. The outline is poor and the bibliography is no better.

Once more we have a linking of radio and aviation material under the heading of "air law." The author's interest in both fields—together with the needs of his law classes—may explain the reason for the combination. If the radio material had been placed entirely in the first half of the book, one who is interested solely in aviation references would be better pleased. He would at least know which part of the book to disregard. With the present arrangement, one needs a "tab" system to find what he is looking for.

This review will be devoted only to the material on aeronautics. Part II pertains to "Aeronautic Law" and offers a fairly complete record of federal and state aviation legislation. But in view of the other sources available—which are constantly brought up to date—the twenty pages devoted to the subject in this book will not receive much attention. The list of "Unofficial Bodies" on page 59 is neither accurate nor complete.

Aviation cases have been listed chronologically without references to subject matter. When lawyers try cases solely by the use of calendar information, such an arrangement will be of service, but, unfortunately, not until then. At times the author has referred to notes pertaining to some of the cases. The method of reference seems to be based more on the statistical idea of simple sampling than on any well determined system.

The brief summaries of foreign legislation and international conferences are only indicative of what has taken place, yet the reader may not be aware of the fact. It would have been helpful if some references had been included as to where one could look for some of the bilateral agreements, and as to some of the articles pertaining thereto.

Under the heading of "Articles, Monographs, and Notes," in the Bibliography Division, the author has included some 92 articles pertaining to aeronautics. It is interesting to note that one periodical alone has published over 100 articles on aviation law. Yet the author includes foreign articles as well as articles written in English without mentioning the fact or method of selectivity employed. A foreword remark that "The breadth of the field, the rapidity of current developments and the exigencies of a general practice prevent the Outline from being as exhaustive as subsequent revisions may permit" hardly excuses such superficial treatment. In the bibliography, the author has seen fit to number each item. Yet he has allowed no room for expansion in his numerical arrangement—all of which would indicate that the numbering is as useless as it appears.

At the end of the book is a ten-page index which would have been quite unnecessary if the book had been arranged so that one could readily find that in which he might be interested.

As a source book, this has few of the features which it might possess. In the aeronautical sections, it lacks completeness and care. If a revised edition is published, it is hoped that some thought will be given to the needs of those who might desire to use it as a source manual.

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