

1936

Book Reviews

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Recommended Citation

Lorraine Arnold et al., *Book Reviews*, 7 J. AIR L. & COM. 421 (1936)
<https://scholar.smu.edu/jalc/vol7/iss3/9>

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BOOK REVIEWS

THE AIRCRAFT YEARBOOK FOR 1936 (Eighteenth Annual Edition). Editor, Howard Mingos. Published by the Aeronautical Chamber of Commerce of America, Inc. New York, 1936. Pp. viii, 526.

The eighteenth annual edition of the Yearbook maintains the standing of this publication as the best single comprehensive reference showing the full sweep of aeronautical progress in the United States. The factual information is accurate and exhaustive, making the yearbook an invaluable library addition; it is presented concisely and is well and profusely illustrated, making it interesting reading as well. The activities during the past year in the field of state and federal regulation and promotion are well summarized in the chapters on "Governmental Activities," "State Aviation Activities" and "Laws and Regulations." In addition the texts of two important pieces of federal legislation, the Wilcox Air Defense Law of 1935, and the Air Mail Act of 1934 as amended in 1935 are published in full in the appendix.

LORRAINE ARNOLD.

LA RESPONSABILITÉ ENVERS LES TIERS DANS LA NAVIGATION AÉRIENNE: Dommages à la surface. By Lisa Brunshwik. Paris: Les Éditions Internationales, 1935. Pp. 260.

Two noteworthy steps toward unification of private air law have thus far been consummated. One, the Warsaw Convention, has to do with air carriers' liability toward passengers and shippers of goods. The second, the Rome Convention, treats of the liability of aircraft operators as to persons and things on the ground. While both limit their application to international flights, they must be recognized as an impetus toward voluntary unification of national law in their respective fields.

Mlle. Brunshwik has contributed a meritorious exposition to the second of the above mentioned subjects. She has in clear, logical form set forth, first, the common law and statute law of most of the principal countries pertaining to her subject matter, following this, in a second section, with an analysis of the Convention for Unification of Rules Relating to Damages Caused by Aircraft to Third Parties on the Surface.

The first section of this work places the greatest emphasis on the present law of France and is valuable in itself as a source for a better understanding of such concepts in the French law of *responsabilité objective, force majeure, cas fortuit* in their applications to air law. Her treatment of the laws of other countries, while not so detailed by far, does serve to illustrate the main differences between them. With the laws of the United States, Mlle. Brunshwik evidently found some difficulty. For example, on the question who is the proper party defendant, the owner, proprietor, or possessor of the aircraft, she embraces in her discussion of foreign laws a list of countries sufficiently large to include the remotely significant Siam, but has no word of comment for U. S. law. This is understandable to a certain

extent in view of the confused picture that a stranger must see in forty-eight different systems of law in one country.

The author of this treatise feels that liability toward third parties on the surface is as important as the carriers' liability toward passengers. (Page 162.) This is questionable. The crash of a transport liner in a Kansas corn field may give rise to a dozen independent suits by individual passengers or their representatives. The injury to the corn field could be compensated by paying for the value of the grain destroyed—in how many cases would this amount to more than a hundred dollars? In part, the author recognizes this:

“Not all aviation accidents cause damage on the surface, and such damage, when it does occur, is often of unequal importance. . . . But it is necessary to consider the exceptional catastrophies; the seriousness of their consequences compensate meagerly for their rarity.” (Page 8.)

But, far from minimizing the importance of this work, the reviewer appraises it as a notable step toward the better understanding of a problem which, as is true of most problems, can never be solved by a single stroke. The light that is thrown on the matter by different minds in different parts of the world is assurance that the future approach will at least be intelligent.

GEORGE R. SULLIVAN.*

INTERNATIONAL ORGANIZATION IN EUROPEAN AIR TRANSPORT. By Lawrence C. Tombs. New York: Morningside Heights, Columbia University Press, 1936. Pp. x, 219.

The foreword written by Professor Joseph C. Chamberlain of Columbia University reads as follows:

“At a period when the difficulty of securing united political action among the states which form the society of nations is so apparent, it is encouraging to realize that progress is being made in the organization of the international society to permit its individual members to carry on their business. The international society is organized into sovereign states, but those states have recognized, particularly in the field of international transportation, that they must act in the interests of the world society if they are to serve best the interests of their own nationals who form part of that society. This is notably true with such organizations as the Universal Postal Union, the International Railway Union and many others; and Dr. Tombs has in the present volume brought out the complexities under which, in this new method of transportation by air, the international society is endeavoring to organize. His study shows clearly the strong nationalist temper of the individual states but it also indicates how that temper has been curbed to meet the urgent needs of the international society.

“The book shows clearly the danger of war as the principal deterrent factor to a reasonable organization of air transport on the European continent, but the extent to which that organization has been accomplished in the troubled years since the Great War is an earnest of the power of the demand on the part of the people on that continent for a better ordering of their relationships on a continent-wide basis.

“Dr. Tombs is peculiarly competent to present the picture of the international organization of the air, because of his long experience as a member of the Communications and Transit Section of the League of Nations and

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his wide acquaintanceship with the men who are chiefly responsible for the progress which has been made."

The purpose of the book as stated by the author in his introduction is "not to support the idea of the internationalization of civil aviation, or any other policy. It is rather to indicate what are the existing elements of international organization in European air transport, how such elements have come about in the face of national reactions, and what is their real significance."

With the increasing importance of, and interest in, trans-Atlantic and trans-Pacific air transport activities, any book making a worthwhile contribution to the fields of international public and private air law will be most genuinely welcomed. Since Professor Colegrove's monograph, "International Control of Aviation," (1930) to the present date, no attempt has seriously been made to develop the international aviation situation. While the present book does not tell as complete a story as that related by Professor Colegrove, and at times seems to miss the real point, nevertheless it should prove very helpful to obtain an understanding of the lacework of over-lapping organizations now concerned with the future development of international flying.

Two introductory factual chapters set forth the historical development up to and since the war and explain the general organization of the various international air services. Chapters III, IV, and V deal with the subject of international public air law and discuss the CINA Convention of 1919, the CINA Commission, and the bi-lateral agreements relating to air navigation which have been entered into. Chapter VI is devoted to international private air law and particularly to the program of the CITEJA and the conventions which have been added by the various international conferences on private air law. Chapter VII details the functions and activities of the other aviation bodies whose activities either (a) are confined solely to aviation questions or (b) are occupied with aviation matters only incidentally to their other functions. The final chapter explains the general relation of the League of Nations to international air navigation.

It is not difficult to believe that one of the purposes of the author is to stimulate a new American interest in an active participation in the work of the CINA. The author's personal interest in the work of the International Air Navigation Commission thus has led him to point to the comparatively greater concern, on the part of the member states, for the activities of CINA than in that of the CITEJA, as in footnote 7 at page 127. He should be reminded possibly that the CITEJA activities are primarily confined to drafting proposed conventions and that the member states have been very greatly interested in participating in those international conferences in which action on the proposed drafts has been taken.

The bibliography is not nearly as complete as it could have been to afford the greatest usefulness to the American reader. However, the reviewer realizes that this monograph probably does not attempt more than a summary picture of the international situation as it now exists and has found it desirable to present such a view to the American reader in rather bold strokes.

FRED D. FAGG, JR.