

Journal of Air Law and Commerce

Volume 4

1933

Book Reviews

Follow this and additional works at: <http://scholar.smu.edu/jalc>

Recommended Citation

Book Reviews, 4 J. Air L. & Com. 444 (1933)
<http://scholar.smu.edu/jalc/vol4/iss3/11>

This Book Review is brought to you for free and open access by the Law Journals at SMU Scholar. It has been accepted for inclusion in Journal of Air Law and Commerce by an authorized administrator of SMU Scholar. For more information, please visit <http://digitalrepository.smu.edu>.

BOOK REVIEWS

Department EditorFRANK E. QUINDRY

AIRCRAFT AND THE LAW. By Harold Lincoln Brown. New York: Robert O. Ballou, 1933. Pp. viii, 360.

For purposes of speed, modern aircraft engineering has not hesitated to break with conventional design. For reasons of sales promotion, airline management has not feared to break with traditional psychological appeals. It is not surprising, then, to find air law exponents breaking with orthodox methods. The author of this latest work on aeronautical law has offered the layman a law book which, as to design and color scheme, lacks all the uninteresting elements that characterize the customary legal treatise, and which, as to style and reader interest, should rival any novel. The captious critic might suggest, however, that in giving the reader such a rapid "cross-jurisprudence" flight, some of the domain seemed rather blurred and that, possibly, the analytical had been somewhat sacrificed to the pictorial.

Despite the citation of twenty-five texts, fifty articles, and three hundred and fifty cases in the footnotes, the book has been obviously written for the layman. The author has merely drawn together leading views into convenient compass, and has not attempted to furnish more than the threads which bind these ideas together. The chapter headings include: (1) Introductory Survey, (2) Historical Developments, (3) Maritime Considerations, (4) Airspace Sovereignty and Ownership, (5) Contractual Elements of Air Travel, (6) Negligence, (7) Crimes, (8) Liabilities of Air Carriers, (9) Insurance, (10) Federal and State Control, (11) Airports, and (12) Residuary Matters in Conclusion.

The volume is well worth having for its broad, general treatment of the subject. It should be of particular interest and value to students in the various air schools throughout the country who desire to obtain the latest accurate legal information in this rapidly developing branch of law. But those who are familiar with the legal problems in the field will find in it little that is new.

F. D. F.

AERONAUTICAL LAW, 1933 SUPPLEMENT. By W. Jefferson Davis. Los Angeles: Parker, Stone & Baird Co., 1933. Pp. xiv, 222.

The 1933 Supplement to W. Jefferson Davis' Aeronautical Law would be in a very bad way were it not for the *O'Donnell* cases, *Smith v. New England*, *Swetland v. Curtiss* and the work of the American Law Institute. Lengthy quotations, frequent repetitions and numerous citations from the author's 1930 edition fill most of the pages and add little to what the author terms his contribution as to "what the law should be."

The author seemingly has a grievance against the upper courts in the State of California by reason of the decisions rendered in the *O'Donnell*

cases and therefore uses one-third of the volume in explaining why the decisions are wrong.

The author describes "air pockets" as one of the natural forces or conditions which are beyond human control (and he might have added human knowledge) in his plea to the courts to not invoke the *res ipsa* rule.

The Digest of "Illustrative Aeronautical Cases" covering one-quarter of the volume is of doubtful value when compared with the U. S. Aviation Reports and numerous articles on the subject of air law contained in the law journals devoted to that subject.

All in all, Mr. Davis should have been satisfied with his 1930 volume.

HOWARD H. WIKOFF.

LE DROIT AÉRIEN FRANCAIS ET ÉTRANGER. By Jean Constantinoff. Paris: Edouard Duchemin, 1932. Pp. 341.

While the title of this text covers a very broad field, the main body of the material is devoted to a study of the aeronautical law of France. The first chapter outlines, in seven pages, the problems associated with the right of flight. Despite the fact that the book was completed in May of 1932, the only American decision which seems to have had the attention of the author is that of *Johnson v. Curtiss Northwest Airplane Co.*, decided in Minnesota in 1923. The reader is at once aware that any foreign comparisons are of doubtful value, unless based upon more recent data.

Chapter II sets out the most significant provisions of the French regulation, including legislation, decrees and orders. Chapters III and IV discuss, in greater detail, the regulatory provisions—the former dealing with questions of nationality, registration, airports, certificates of airworthiness, pilot's licenses, salvage of aircraft, et cetera; the latter is concerned with those regulations which deal with liability.

Chapters V and VI develop the French case law relative to liability. They explain the air transport liability to the passengers, to third persons, to goods, and the liability of the aircraft manufacturer. The responsibility of the government for injuries caused by the operation of state aircraft is the subject of chapter VII.

A five-page chapter suggests the problems associated with aircraft mortgages, and the subject of insurance is very briefly treated in Chapter IX. Rather abruptly, the discussion shifts to state aid and encouragement of aviation, but Chapter X offers a valuable discussion of the French system of subsidies to aeronautics and, to American readers, is one of the most interesting parts of the whole book.

Chapters XI and XII offer sixty pages of foreign legislation and jurisprudence, but are so fragmentary as to be of no particular value. A select bibliography, published as an appendix, and containing references to legislation and leading cases would have been more useful, despite the fact that the author has attempted to summarize the important provisions of each law. If the outline of the regulatory system of the United States (pp. 204-5) is a fair sample, the reader will at once be skeptical of the reliability and usefulness of these chapters.

The final chapters (XIII and XIV) deal with international developments, including a brief account of the Citeja activities and a more complete picture of the work of the *Cina*. Some of the commercial air navi-

gation treaties are discussed and a final word concerns the Pan-American convention. Three Annexes set forth the French law of 1924, the *Cina* Convention, and the Warsaw Convention.

The author, in attempting to satisfy the demands of his title, has chosen too large a field for his 290 pages of text. The large portion of the work concerned with liability will be found particularly valuable, but some other important topics have been quite inadequately treated. Though the author's preface opens, "Une littérature relativement abondante mais très éparpillée et le plus souvent superficielle a été produite sur le droit aérien en France et à l'étranger," it would seem that this book may not entirely escape similar observations.

F. D. F.

REPORT OF COMMITTEE ON AIRPORT TRAFFIC CONTROL.

U. S. Department of Commerce, Aeronautics Branch. Washington: Government Printing Office, 1933. Pp. 49.

It may be somewhat difficult to realize that the volume of flying activities has already become so great as to give rise to a special study relative to airport traffic control. However, the Aeronautics Branch, with its customary farsightedness, recognized this need several years ago, and, in accordance with the broad provisions of the Air Commerce Act of 1926, appointed a committee of experts to consider the question of traffic control, (1) to promote safety of operations at and about airports, (2) to speed up the movement of traffic, and (3) to provide uniformity in order to escape the confusion and uncertainty which would result from the acceptance of a variety of local regulatory codes. The principal committee organized some twenty-eight subcommittees, at the leading cities, consisting of engineers, airport managers and airline officials. It is apparent that the committee received much valuable information from, and relied heavily upon, the subcommittees who were requested (a) to assist in promoting safety and a more regular traffic flow, (b) to compile data on actual airport traffic conditions, and (c) to furnish the practical experience necessary to achieve a fair goal of reasonable uniformity.

After a careful introductory statement outlining the problem and the method of approach, the report, in Part II, discusses the general progress made in landing-area design. Five systems are explained and these include (1) the single-movement landing area, (2) the dual-movement landing area—permitting simultaneous take-offs and landings, (3) the tandem landing area, (4) landings to right of fixed traffic axes, and (5) landing on control-tower side of fixed traffic axes.

Part III is devoted to the signaling systems and requirements, including radio control, aural systems (thought to be of little practical value), and the visual system. The detailed discussion pertains to the visual aids, such as traffic control signals, wind-direction indicators, stand-by signals, landing-area flood lights, etc.

Five appendices, composing about half the report, deal with (a) uniform airport field rules, (b) air-traffic-control projectors, (c) directional smoke generators, (d) time studies of airport traffic flow (consisting of subcommittee reports), and (e) a list of the various subcommittees.

This report, like other Department publications, is thorough and well done. It is amply illustrated and should be invaluable to all persons interested in airports—whether the latter be existing or prospective.

F. D. F.

THE AIRCRAFT YEARBOOK FOR 1933. Edited by Aeronautical Chamber of Commerce of America, Inc. New York: D. Van Nostrand Co., Inc., 1933. Pp. vii, 506.

Practically half of this year's volume of the Aircraft Yearbook comprises a very careful summary of development and progress in aviation, with respect to traffic, legislation, airports, air schools, private flying, and general growth in the American republics of the western hemisphere and throughout the world, each subject discussed separately in a chapter of an average ten-page length. For the lawyer interested in aviation, or the airman interested in law, there are two brief chapters devoted to Aeronautic Promotion and Regulation, and Aeronautical Law and Legislation. All facts throughout the book seem accurate, clearly told, and make no attempt to gloss over anything for the sake of a cheerful propaganda—for sometimes the report shows not progress but retrogression, as in the instances of the effect of the general economic conditions on the industry, and the effect of the higher air mail rates on the volume of mail carried.

Part II of the Yearbook deals with the progress in manufacturing and engineering, new designs for aircraft, new features making for greater speed and more safety and comfort. Part III records important events which happened during 1932, air races throughout the world, new records for height and speed, duration record flights, trans-oceanic and world flights. Statistical tables dealing with every phase of aviation in this country, and showing comparative figures for 1932 and previous years, comprise the thirty pages of Part IV. The last section includes a complete directory of aviation officials, governmental and association, American and foreign; further, it lists all domestic and foreign aviation publications, airports, approved flying schools, and so forth; lastly, this section includes a trade index of aircraft and engine manufacturers, exporters, publishers and so forth.

A great deal of excellent material is compactly set forth within the compass of these 500-odd pages. Anyone interested in any phase of aeronautics will find here something of educational value in his particular field. As a record of growth and progress throughout the past fifteen years, which is as long as the Yearbook has been published, there is perhaps no better book available.

KATHERINE FRITTS.