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In this book the author has attempted to supply the need of law students and others interested in air law for a collection of materials relating to aviation and radio law. It is unfortunate that the author did not accomplish his purpose as well as he might have done since the need is, indeed, great.

The major reason for the author's failure lies in the fact that it is impossible to adequately cover both of these specialized fields in a single text of 689 pages, unless the size of print used is comparable to the print used to inscribe the Lord's prayer on the head of a pin.

Because, we presume, of the limited amount of space, the author failed to discuss or to include in his case material any coverage of the international aspects of aviation law, except for one case on the Warsaw Convention, a short text note thereon, and one short discussion in a text note on the question of the practicability of seadromes. It would have been better for the author and his prospective readers if he had omitted the two text notes. The first draws an erroneous conclusion and cites, as a case in support of the author's conclusion, a decision that was specifically overruled, and the second case note, pertaining to seadromes, is a useless appendage.

The author begins by stating in his Preface that aviation law is fairly well settled, and later states that since the enactment of the Civil Aeronautics Act of 1938, practically every problem that can possibly arise in the field of aviation law can be solved by the application of some part of that Act. Thus, the author in two sentences makes unnecessary the study of any matters pertaining to aviation law except the Civil Aeronautics Act of 1938, and cases interpreting that Act. Why, then, has he devoted some 250 or more pages to other cases and material and only 58 pages to cases and material interpreting the Act of 1938?

The reason is, of course, that the author's statements were ill-advised. The law of aviation is not well settled and one cannot solve practically every problem that can possibly arise by an application of some part of the 1938 Act. The entire field covered by the Warsaw Convention, and the field covered by state law, including torts, contracts and insurance law, as they affect aviation, find no answers in the Civil Aeronautics Act of 1938.

The author devotes only 111 pages of case material to radio law, some 18 pages to discussion material on radio law, and 30 pages to case and discussion material on television, a total devotion of only 159 pages of material to the vast and complicated maze of radio law.

This type of treatment is comparable to his presentation of the powers of the Civil Aeronautics Board to which he devotes a total of 33 pages of case material without a single explanatory note. In view of his earlier statement that the CAA Act can solve practically every problem that can possibly
arise in the field of aviation law this rather limited treatment gives the
reader the impression that this most important subject is not adequately
discussed.

It would have been far more helpful to the readers of the author's
book had he incorporated Chapter 3, Land Damage by Aircraft, Chapter 4,
Personal Injury by Aircraft, and Chapter 5, Property Damage To and By
Aircraft into one chapter and to have covered more completely the entire
field of tort law as applied to aviation.

Another failure of the author was the lack of sufficient explanatory
matter to amplify his case material. In these two fields of law, where ad-
ministrative control is so broad and case law so scanty, it becomes necessary
for the writer and teacher to explain many of the intricate and involved
phases that are not readily apparent to the novice. The author's failure
to supply this need is regrettable.

On the credit side of the ledger, it must be said that the author has
arranged his material on radio law in a more creditable manner than that
on aviation law and his discussion of the rights and liabilities in the use of
air space is well done. The same can be said of his chapter on Airports.

We have stated that the author's text note concerning the Warsaw
Convention was erroneous. In that note the author stated that under the
provisions of the Convention a nation that has not ratified the Convention
is not a "high contracting party" to the Convention, and he cites the case
of Phillipson v. Imperial Airways, [1938] U.S. Aviation Rep. 42, to the
effect that air carriage from England to Belgium was not "international car-
rriage" because Belgium had not yet ratified the Convention, although Eng-
land had done so.

A study of the Convention fails to reveal any definition of the words
"high contracting parties" and the decision on which the author relies
was reversed by the House of Lords the following year. [1939] U.S. Aviation
Rep. 63. This later decision states that the carriage involved was "inter-
national carriage" since Belgium had signed, even though it had not ratified
the Convention and was, by reason of its signing, a "high contracting party."

All in all, the author's efforts do not add much to our existing store
of air law in casebook form. It still remains for someone to produce an ac-
ceptable text and casebook on the subject; however, it is clear that aviation
law and radio law cannot be adequately covered within the confines of one
set of covers if one expects the print to be readable and the book to weigh
less than six pounds.

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