Law of the Air, by Carl Zollman

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BOOK REVIEWS


The author in this beautiful volume devotes five chapters to aëronautics and one to radio, while an appendix of 142 pages contains the Federal and state acts, the regulations and orders of the respective departments in which an American lawyer is interested as well as the International Flying Convention of 1919, which underlies both the Federal Air Commerce Act and the Air Commerce Regulations issued by the Department of Commerce. The typographical work on the book is of the high degree of excellence for which the publisher is noted and the binding is in a pleasing shade of imitation leather.

The text is not prevailingly speculative. While in such a new field speculation of necessity must be indulged in the author has held himself down as much as possible to decided cases. He apparently has spared no efforts to find every decided case in connection with both aircraft and radio for he actually cites some sixty aircraft and thirty radio cases. At the same time he does not spurn analogy but uses it to good advantage. Chapter one dealing with airspace rights is an example of such reasoning by analogy there being on this much discussed subject no cases decided by appellate tribunals and only a few cases decided by trial judges.

The style of the volume throughout is penetratingly lucid. The statement of law is clear and simple and the statement of problems yet to be solved, while speculative, is arrestingy interesting. The work compares favorably with the author's American Civil Church Law and his American Law of Charities. While the thorough research of the author is evident in the completeness of the collection of decided cases and the matter in the appendices, it is to be regretted that a complete bibliography of books and magazine articles was omitted from this edition. As this book undoubtedly will be a source book on this subject for some time, possibly this defect may be remedied in a future edition.

The appendix attached to law books is frequently a mere jumble of miscellaneous matters which have more or less (generally less) to do with the title of the book. This is not true of this particular volume. Appendix I contains the International Flying Convention formulated at Versailles in 1919 brought down to August, 1927, containing colored plates and an introduction of three pages which details the various international meeting which have been held on the subject of air travel since 1909. Appendix II contains the Federal Air Commerce Act of 1926. Appendix III contains the Air Commerce Regulations of December, 1926, as amended to take effect March 22, 1927. Appendix V contains the Uniform State Law of Aëronautics which as the author mentions has been adopted by the Territory of Hawaii and the states of Delaware, Idaho, Michigan, Nevada, North Dakota, South Dakota, Tennessee, Utah and Vermont. It is not beside the point to mention at this time that in addition to the states mentioned this act in 1927 was adopted also by Indiana and Maryland. The remaining two appendices contain the Radio Act of 1927 and the General Orders issued by the Federal Radio Commission up to June 3, 1927. The Uniform State Law of Aëronautics is not

This book of 184 pages exclusive of an appendix of 15 pages containing the Radio Act of 1927 was, in June, 1927, awarded the Linthicum Foundation Prize by the Faculty of Law of Northwestern University under the Charles C. Linthicum Foundation. It is dedicated to Herbert Hoover "whose wise guidance in the formative stages of Radio Communication contributed so greatly to the development of this new service to the American People." This great opportunity which the author, after his service on the supreme bench of a state, has had in his position in the commerce department to study the subject leads one to expect a real contribution in this new and interesting field.

This expectation is not wholly disappointed. There are two or three chapters in the book particularly worthy of note. The chapters on Federal Jurisdiction, on State Jurisdiction and on Conflicting Rights in Reception and Transmission belong to this category. Other chapters, however, are far less satisfactory to put the case mildly. Thus in Chapter 7, dealing with the question of Copyright of Broadcasting Matter, the four American cases which the author refers to and the English case (British Broadcasting Co. v. Wireless League Gazette Publishing Co., 95 L.J.Ch. 272, (1926) Ch. 433. 135 L.T. 93, 42 T.L.R. 370) and the Australian case (Chappell v. Associated Radio Co., 1925, Victoria L.R. 350) which he does not refer to have about exhausted the primary legal questions involved and make a comprehensive statement of the entire legal situation possible as Zollmann in his Law of the Air (which book is reviewed in this issue) has clearly demonstrated (Sections 173 to 182). The author is largely content to merely state the facts of the four cases which he has found on the subject and append to such statement an extract from the opinion of the court. In other words this particular chapter is written in a thoroughly mediocre style dealing with a subject which is of practical importance to the trial lawyer in comparison with other chapters and the importance of the subject matter.

Fortunately what is true of this chapter and to a less extent of some of the other chapters is not true of the chapters above mentioned and of some others not mentioned. On the contrary in some of the pages the writer not only rises into a style of the very highest literary excellence but his reasoning from analogous situations is far better than could reasonably be expected. On the whole the book with the faults which unavoidably and avoidably adhere to it is a distinct contribution to the legal discussion of radio communication and as such should be on the shelves of every lawyer who is in any way, shape, or manner representing radio interests.


The astounding strides made by medical science during the last century has doubled, trebled and quadrupled the importance of proper hospital facilities with