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Book Review

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BOOK REVIEW

Aviation Accident Law. Charles S. Rhyne. The Columbia Book Co., Washington, D. C. pp. x, 315. \$7.50.

This is the third book from the author of "Civil Aeronautics Act Annotated" and "Airports and the Courts." Mr. Rhyne is Chairman of the American Bar Association's Committee on Aeronautical Law, a member of the board of directors of the National Aeronautic Association, and the writer of several articles and monographs on aviation law. In this short book (242 pages exclusive of indices and tables) he has collected all of the reported cases on his subject. These are classified and arranged into chapters dealing with aircraft operators as common carriers, types of aircraft accident, liability of manufacturers, vendors, etc., baggage, bailees, violation of ordinances and statutes, inspection, *res ipsa loquitur*, defenses, workmen's compensation, insurance, and international air transportation. The foreword is by Senator McCarran of Nevada, who has taken an active lead in Congress on aviation matters. The author gives us a table of books, table of articles, and table of cases, and attaches as an appendix the text of the "Warsaw Convention" prescribing the rules for liability in international air transportation.

The book is frankly a digest. More than one chapter begins, "This chapter collects and analyzes all of the reported decisions of the courts involving . . ." In his preface the author states that the volume's chief purpose is to collect in one place for the lawyer the cases and applicable legislation. Yet M. Rhyne is no headnote writer who seizes upon every twist of language in a report and restates it as law. Each case is concisely analyzed as to facts and results. Each is classified under appropriate headings so as to be "findable" through the use of the table of contents or the index. All are connected together into readable discourse. Statutory material is given proper emphasis; there are excellent summaries and analyses of the Uniform State Law for Aeronautics of 1922 and of the international conventions. It should be noted that the Wyoming adaptation of the Uniform Act (Wyo. Comp. Stat. 1945, sec 33-207) modifies the original text considerably.

With this high praise for all that the book purports to be, it is perhaps unfair to criticize it for shortcomings inherent in its very nature. The lawyer who uses the book gets no assistance in the selection and evaluation of cases. The author will not help him decide whether a case is correctly decided, whether it is a leading case of some by-path of the law ignored by other courts. All are given equal weight. Nor will Mr. Rhyne state any principle that can be used as a guide to lawyer or court. Yet a short treatise by a man of his stature would have had no little authoritative weight. Such a book might have materially aided in the ultimate achievement of some uniformity in aviation accident law. No one reading the book can fail to conclude that this is a desirable end (though the author carefully refrains from so concluding.) Senator McCarran thinks that Federal legislation relating to aviation tort liability is not necessary or desirable. Mr. Rhyne feels that a modern revision of the Uniform Act is doomed to failure. Today as a man in an airplane crosses state line after state line, his rights (or those of his executor!) vary with the longitude and latitude. Whether he can recover, what he can

recover, what proof is required, will depend upon where the crash occurs. If it is up to the courts to achieve some symmetry in the law, who will lead the way?

This book is a lawyer's book. Since, as is frequently pointed out, the aviation cases fall into the larger pattern of state tort law, the picture is often incomplete and must be supplemented by doctrines evolved in non-aviation cases. In an evening's reading the lawyer can gain a working familiarity with the special aspects of aviation law. The airline attorney will find this book essential. The attorney in general practice will find it interest and a comfort to have on the shelf in case of need. The attorney with an aviation accident case in the office will find it a special tool that will considerably ease his task.

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WYOMING STATE BAR SECTION

NAVY ROSTER

Commander E. N. Buddress, U. S. N., Legal Officer of the Thirteenth Naval District at Seattle, desires to compile a roster of Naval Reserve officers in this Naval District who are lawyers.

All reserve lawyers, regardless of classification, are requested to write to the District Legal Officer, stating name, rank, classification and home address. A brief description of naval service performed during the war years is also desired. Letters should be addressed to: Legal Officer, 13th Naval District, Seattle 99, Washington.