

Virginia OF THE Air Lanes

A ROMANCE OF FLYING

By HERBERT QUICK

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SYNOPSIS.

CHAPTER I—Theodore Carson, inventor of an airship, rescues from a fugitive flying machine called a helicopter, a beautiful young girl.

II and III—Carson is infatuated by her and takes her where she can communicate with her friends.

IV—Carson visits the Roe, a giant airship owned by Shayne, uncle of Virginia Suarez, the girl he rescued, and, being coldly received, leaps from the Roe, at a great height, in a parachute.

V, VI and VII—He lands in the grounds of the Slatery Institute for Enebrates, where he makes a friend of one Craighead, who plans to raise capital to manufacture the new style airship Carson has invented. Thus they hope to rival Shayne, who controls the airship industry.

VIII—Mr. Waddy decides conditionally to capitalize the Carson-Craighead project.

IX—Carson goes to Florida to complete a sample airship to exhibit to Mr. Waddy, and he finds Virginia there.

X—He is in love with Virginia. Wizer, a rival inventor, conspires to kill Carson.

XI, XII, XIII and XIV—Wizer with a submarine in a sensational manner almost accomplishes the death of Carson and Virginia and the destruction of the airship, a case of "devilish versus bird." Virginia flees from Carson in the Roe.

Then some one discovered that on the day the Carson-Craighead company had formed the Universal Nitrates and Air Products company was born, with directors and stockholders identical with those of the Aeronet company, and that they had spent a great campaign fund in getting leases and grants for the extraction from the atmosphere of nitrates and the like in lines like those of Scotch plaid all over the continent. The air over almost every highway had been granted away by the owners of the fee—the very streets of New York being covered so far as to cut the city into nearly a hundred irregular blocks. The other great cities were similarly gridironed. The space over the smaller rivers and streams was mostly sold to the Air Products company. The mystery in this so stimulated curiosity that it caused more excitement than the Virginia herself, for these seemingly worthless rights over farms, streams, roads and streets were like a huge spider's web spun as a net over the world—Europe and Asia as well as America. Some one with great resources was up to something big. Something was to be caught in the net—but what?

Craighead and Carson dined with Mr. Filley, Mr. Waddy's personal representative, a little man with a great, scantily thatched head and no body who ate lobster and green turtle soup and drank port and grew paler every day.

"When shall we know?" asked Theodore.

"Soon," replied Filley. "We'll cover the whole country with injunctions this afternoon and get a hearing here in a few days. In a very few weeks we shall win the greatest legal triumph of recent times or—snuffed out!"

That night began the series of sensations that made so memorable the war for the use of the air. In the courts of every federal district and the state courts of West Virginia Mr. Filley filed his injunction suits against the owner of every known airship and by the clause used in labor disputes bound all persons, whether named or not, who might with the defendants or independently design trespass against the plaintiff's rights.

The bill in New York recited that the plaintiff was the owner of all rights of navigation in the air in certain described belts or bands surrounding the city of New York, dividing it into portions, and gridironing the continent; that the defendants had in the past habitually trespassed on these by flying over them in airships; that the passage to or from the city of New York over the sea, the river or other route was impossible save by such trespass, and therefore injunction was asked prohibiting the defendants, their servants and all other persons from departing from or coming to the said city of New York through the air owned by the plaintiff or from navigating any aerial craft across, over or through the real property of the plaintiff wherever situated.

Finley Shayne's name led the list of defendants, followed by that of the Aerostatic Power company and page after page of names of people owning aerial craft, and airships everywhere were hemmed in by the "real property" of the plaintiff, like whalers frozen in the ice. The "real property" was that wonderful spider's net of grants

and the plaintiff was the Universal Nitrates and Air Products company. Craighead's optimum dream was explained. The relation between the twin companies was disclosed. Two perfectly well known legal principles were here united in an audacious attempt to monopolize the air, the rights attaching to ownership of land and that of injunction to prevent trespass or nuisance.

Public and press were struck with amazement. The unblinking laughter at the unheard of and preposterous claim to private control of the atmosphere. Lawyers began poring over cases dealing with rights in and over land, with growing dubiety as to the outcome of the case of the "Universal Nitrates and Air Products company versus Shayne et al."

When the case came on to be heard the laugh had disappeared, the very army of lawyers appearing for the defendant rendering it a serious matter. Craighead sat in court with Filley, his hair ruffled, his crooked nose high. In a suit of legal black, drawing more attention than did Carson, whose face, bleached of the gulf beach tan, had assumed the pallor of the scholar, while vast responsibilities had been imparting to him an atmosphere of distinction. He sat scanning the people of the defense—Shayne, Silberberg and other great financial figures.

While the pleadings and affidavits were read Craighead sketched the balliffs, shuffled his feet and drummed on the table until the court tapped for silence.

"We will hear from the plaintiff," said Justice McFadden, "and as the facts seem practically undisputed—"

"But, your honor," protested the counsel for the defendants, "we certainly do not admit!"

"For present purposes," replied the justice, "the showing seems ample that plaintiff owns certain rights in lands so distributed that the defendants must pass over them in going from place to place; that the defendants have habitually done so and that the situation constitutes a threat that this will be repeated. The defendants by claiming the right to pass these lines confess this for present purposes. We will therefore hear from plaintiff's counsel on the law."

Mr. Filley gathered up his papers; but, with a professional sounding "May it please the court" that dumfounded Filley and drew from the justice a request for the gentleman's name, Craighead rose.

"Craighead," said he in response to the court's query, "I will offer a few remarks on the law and then yield to my learned colleague, who will lay before your honors the feeble attempts of the courts to crystallize it in precedents. The law is fully as plain as the nose on the face of the most Roman of your honors. As to its righteousness, it is as moral as landownership. That it has not heretofore been applied has been owing to the stupidity of the legal profession, to the astuteness of landowners and to the fact that the law is so plain, for that which is all around ever remains undetected, like the pressure of the atmosphere or the picture with trees and clouds representing faces or animals. And as when once the cat in the landscape is seen the landscape fades, and one can see nothing but the cat, so in this case when the law is once made plain your honors will be able to see nothing else. We are taking the liberty of unsealing the blind eyes of the courts."

Mr. Filley was outraged at the effrontery of this unlicensed actor in thus taking the scene, but to make a disturbance now would be worse than to let him go on, and Mr. Filley sat down frowning and hoping that Craighead's offense might escape discovery.

"Cujus ad solum, ejus est usque ad coelum," went on Craighead, "is the maxim on which we stand, the meaning of which has been decided in hundreds of cases and, strange to say, is still clear—'He who owns land owns to the sky.' He has as much moral right to the sky as to the surface. The man with a deed to a square mile of the surface of this planet under this law owns a great pyramid, apexing at the earth's center and extending out into space in diverging lines infinitely, so that if he can show that these lines of boundary take in Mars and her moons he would have a perfect case against the Martians for rent of fields and tolls over waterways if he could get service and bring the defendants into court."

"Land! Land! The mystic word that rules the world! The woman who ejaculates 'Good land!' conjures by a thing more potent than all the gods of Olympus."

"The air above our land is a part of it. You know it. Why else have you recognized Deitner's appeal, 100 Pennsylvania state, as good law? What was that case? A bay window many feet above the sidewalk was declared a nuisance because it jutted out into the air that was a part of the street. And see also Bybee versus the state, 94 Indiana. You hang your cornice or string a wire in my air and I will hale you into court. Don't presume to fly a kite over my land except by my consent; you have no right. And remember that the city of Cleveland was mulcted in the sum of \$50,000 for swinging a bridge a few times a day a hundred feet above an inch strip of land."

(To Be Continued.)

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AEROPLANE TO WAR WITH SHIP

Government Planning to Have Sham Battle Held Soon—Work Will Be Anything But Child's Play—Is Highly Dangerous.

WASHINGTON, D. C., Aug. 26.—A sham battle between an aeroplane and a battleship is being planned by the navy department today. The navy authorities are surrounding their plans with great secrecy. The monitor Tallehassie is reported to have been selected as the vessel to face an aerial bombardment. The monitor will be towed to a point far from Washington and hung with shell-defying armor. The vulnerable points will be over the gun rooms ammunition hoists and funnels, where an explosive dropped accurately might destroy the vessel.

The men who have volunteered for the hazardous duty will be alternately in the sky ships and in the man-of-war. After they have taken shots at the airships with guns ranging from 6-pounders to 12-inch rifles, they will meet in the airships and attempt to drop bombs on vital spots on the warship's deck.

While not actually becoming targets for shells and bombs, there is enough risk for the men to make the work anything but child's play.

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is when you do some great deed or discover some wonderful fact. This hour came to J. R. Pitt, of Rocky Mt., N. C. when he was suffering intensely, as he says, from the worst cold I ever had, I then proved to my great satisfaction, what a wonderful Cold and Cough cure Dr. King's New Discovery is. For, after taking one bottle, I was entirely cured. You can't say anything too good of a medicine like that. Its the surest and best remedy for diseased lungs, Hemorrhages, LaGrippe, Asthma, Hay Fever—any Throat or Lung trouble. 50c. \$1.00. Trial bottle free. Guaranteed by all druggists. wif

MACHINIST STRIKES TO REACH CLIMAX SOON

SEATTLE, Wash., Aug. 26.—From private advices received yesterday by the leaders in the machinists' strike on the Sound, it seems likely that the final touch in the fight between coast capital and labor will come September 1, with the strike of the thousands of men employed in the metal trades in San Francisco. In every city from Los Angeles to Vancouver, B. C., the metal workers are out except in San Francisco. Until the last 48 hours it was not anticipated that there would be any trouble at San Francisco, because of the disaster that would result from a general strike there, but reports to strike leaders show that the metal trades association in San Francisco has refused the demands of the workers there and that unless a settlement is made before September 1 every shipyard, foundry and machine shop in California will be tied up, as practically all of them are in the northwest.

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NOTICE.
In the district court of the United States for the district of Oregon. In the matter of George A. Butt, bankrupt.

The undersigned trustee of the above entitled estate in bankruptcy will receive sealed bids at the Jackson County bank in Medford, Oregon, up to 12 o'clock noon, of Friday, August 19, 1910, for the following described property belonging to said estate, namely, a stock of merchandise, consisting principally of jewelry of the inventory value of \$2987.47, together with a lot of store fittings of the inventory value of \$175.50, all now in custody of the undersigned at Medford, Oregon. Cash or a certified check for ten per cent of the amount offered must accompany each bid and

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WM. McMURRAY, General Passenger Agent, Portland, Oregon.

the sale is made subject to confirmation by the court, the right being reserved to reject any and all bids. The said property and an inventory thereof may be inspected upon application to the undersigned, at Medford, Oregon.

WM. ULRICH, Trustee.
Dated at Medford, Oregon, August 8, 1910.

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