

ever heard.

net-but what?

dore.

CHAPTER XVII.

A BATTLE FOR THE AIR. HAT is the business, Mr. Craighead, of the Universal Nitrates and Air Products company?"

Mr. Craighead, looking down into Broadway from the window of his office, turned to the group of reporters.

"Gentlemen." said he. "you are crass Roman soldiery. 1 am Archimedes making calculations, and instead of allowing him to equate his equations you javelin him with questions. Tell the journalistic Marcelli who sent you that Ark won't be disturbed!"

"But about the Universal Nitrates and Air Products company," said a fat man with perpetually poised pencil, "and its connection with the aeronef company?"

"Merely fortuitous," replied Craighead. "The aeronef company is an day. ephemeral agency for profit-and I scorn it!"

"But you are a director?"

"Oh, yes! Oh, yes!" replied Craigoccurred to me when I went into it. I chemicalizing in that reaction which umph of recent times or-snuffed out!" results in the product known as tungstate of alcoholism or magalo-conversation. A natural monopolist, General Theodo' Cahson, M. A., took advantage of my weakness and got me into it. state courts of West Virginia Mr. Fil- fendants into court. Honor rooted in dishonor stands, and ley filed his injunction suits against faith unfaithful keeps me falsely true, and 1 stay with him in his fight with Aerostatic Power. Then I shall give bound all persons, whether named or my whole attention to the Universal independently design trespass against Nitrates and Air Products company, the plaintiff's rights. which is to the Carson-Craighead aeronef as the rings of Saturn to those of a faro bank. And, to originate a phrase, that's going some!"

"You're really good, Mr. Craighead," said a girl reporter, "and if the tungstate of your alcoholic days was worse than this you ought to have taken something for it."

"I tried to." confessed Craighead, "but Dr. Witherspoon expelled me!"

"But here's the situation as we get

unless you set us right."

roof of this very building, gone back will therefore hear from plaintiff's to the inn, whence the Virginia had counsel on the law

sailed to their leased roof within an Mr. Filley gathered up his papers: hour, and not by Shayne's Hold, after but, with a professional sounding "May which Craighead was the news center it please the court" that dumfounded from which emanated the most as-Filley and drew from the justice a retounding medley of scientific, psychoquest for the gentleman's name. Craiglogic, mystical and mystifying news head rose.

"Craighead." said he in response to Then some one discovered that on the court's query. "I will offer a few the day the Carson-Craighead company remarks on the law and then yield to had been formed the Universal Nimy learned colleague, who will lay betrates and Air Products company was fore your honors the feeble attempts of born, with directors and stockholders the courts to crystallize it in preceidentical with those of the Aeroner dents. The law is fully as plain as the company, and that they had spent a nose on the face of the most Roman of great campaign fund in getting leases your honors. As to its righteousness, and grants for the extraction from the it is as moral as landownership. That atmosphere of nitrates and the like in it has not heretofore been applied has lines like those of Scotch plaid all over been owing to the stupidity of the the continent. The air over almost legal profession, to the asininity of every highway had been granted away landowners and to the fact that the by the owners of the fee-the very law is so plain, for that which is all streets of New York being covered around ever remains undetected, like so far as to cut the city into nearly a the pressure of the atmosphere or the hundred irregular blocks. The other picture with trees and clouds repregreat cities were similarly gridironed. senting faces or animals. And as when The space over the smaller rivers and once the cat in the landscape is seen streams was mostly sold to the Air the landscape fades, and one can see Products company. The mystery in nothing but the cat, so in this case this so stimulated curlosity that it when the law is once made plain your caused more excitement than the Virhonors will be able to see nothing else. ginia berself, for these seemingly We are taking the liberty of unscaling worthless rights over farms, streams, the blind eyes of the courts." roads and streets were like a huge

Mr. Filley was outraged at the efspider's web spun as a net over the frontery of this unlicensed actor in world-Europe and Asia as well as thus taking the scene, but to make a America. Some one with great redisturbance now would be worse than sources was up to something big. to let him go on, and Mr. Filley sat Something was to be caught in the down frowning and hoping that Craig-

head's offense might escape discovery. Craighead and Carson dined with "'Cujus ad solum, ejus est usque ad Mr. Filley, Mr. Waddy's personal repcoelum," went on Craighead, "is the resentative, a little man with a great. maxim on which we stand, the meanscantily thatched head and no body ing of which has been decided in hunwho ate lobster and green turtle soup dreds of cases and, strange to say, is and drank port and grew paler every still clear-'He who owns land owns to the sky.' He has as much moral "When shall we know?" asked Theoright to the sky as to the surface. The man with a deed to a square mile

"Soon," replied Filley. "We'll cover of the surface of this planet under the whole country with injunctions this law owns a great pyramid, apexhead. "But the greater things had not this afternoon and get a hearing here ing at the earth's center and extending in a few days. In a very few weeks out into space in diverging times inwas ill. I was under a claim. I was we shall win the greatest legal tri- finitely, so that if he can show that these lines of boundary take in Mars That night began the series of senand her canals he would have a persations that made so memorable the fect case against the Martians for rent war for the use of the air. In the of fields and tolls over waterways if courts of every federal district and the be could get service and bring the de-

"Land! Land! The mostic word the owner of every known airship and that rules the world! The woman who by the clause used in labor disputes ejaculates 'Good land!' conjures by a thing more potent than all the gods of not, who might with the defendants or Olympus.

"The air above our land is a part of it. You know it. Why else have you

The bill in New York recited that recognized Reimer's appeal, 100 Pennthe plaintiff was the owner of all sylvania state, as good law? What rights of navigation to the air in cerwas that case? A bay window many tain described belts or bands surroundfeet above the sidewalk was declared ing the city of New York, dividing it a nuisance because it jutted out into into portions, and gridironing the conthe air that was a part of the street. tinent; that the defendants had in the And see also Bybee versus the state, past habitually trespassed on these by 94 Indiana. You hang your cornice or dying over them in airships; that the string a wire in my air and I will hale passage to or from the city of New you into court. Don't presume to fly York over the sea, the river or other a kite over my land except by my conit. If we're wrong, we'll stay wrong route was impossible save by such sent; you have no right. And rememtrespass, and therefore injunction was ber that the city of Cleveland was asked prohibiting the defendants, their | muleted in the sum of \$50,000 for servants and all other persons from swinging a bridge a few times a day departing from or coming to the said a hundred feet above an inch strip of

them to be used, thus applying the rules you and your predecessors have so wisely laid down, 'He who owns

land owns to the sky!' How beautiful the principle! What a stimulus to enterprise it offers-in cornering space! Our getting of these rights may be a horse on Mr. Shayne, but the rules of the game-and what a game it is, your

honors!-give us the pot. The costs constitute the kitty." Justice McFadden tapped on the

desk, and Craighead paused. "Your language. Mr. Craighead."

said be, "is unusaal, though your points seem well taken."

"You're on!" ejaculated Craighead. You're on! In fact, to speak grammarianly. 'You're on, your honor: you're honest!" "

A bailiff interrupted by handling a note to the astonished court.

"Mr. Craighead," said Justice Mc-Fadden, "it is suggested that you are not a licensed practitioner at this bar or at any other. This extraordinary address of yours leads the court to doubt. What is the fact? I thought I recognized you as a member of this bar. Have we not met?"

"Your honor." said Craighead, "studied language under me."

"Language!" roared the justice. When ?"

"I was your teacher in English and drawing," replied Craighead, "in Schlosser's billiard parlors - English and drawing, with incidental instruction in the use of the globes; also dry nursing, the masse and the follow!"

"Remove him from the bar, Mr. Bailiff!" thundered the court. "Take him to fail"

"Stung-in the same old aching spot!" cried Craighead. "Still the reat uncalled! But know ye, proud judges, I have been expelled from worse places than this! What harm have I done ye? Filley, get me out of this!

## CHAPTER XVIII.

ALONE ON AN ISLAND IN AIR. THE bailiff, a tottering old func-

tionary with a white mustache of Bismarckian fierceness, warily taid a raptorial claw on Craighead's sleeve.

"Amateur day in court!" he hissed in the bailiff's ear. "The book! The hook! I go, but my logic sticks! Stone walls do not"-

Mr. Filley here interposed to such effect that Craighead was fined, expelled and set free. Mr. Filley's masterly address was based on the law laid down by Craighead, reference to which finally evoked a smile from the justices. In a week an injunction was issued as prayed. The airships of the whole nation were tied up; the Universal Nitrates and Air Products company made the Carson-Craighead Aeronef company its sole licensee; the Carson aeronefs were the only flying machines which could be used; the law of real property was vindicated; Aerostatic Power dropped to nominal prices; Craighead was suddenly recognized as the most overshadowing genins legal strategy had ever known; Carson stood high in finance and diplomacy; the factories for manufacturing flying machines were offered to him at his own terms, payable in Car-

## airship inventions before allowing | and mortally offended ner in that mat-

ter of being her uncle. All was over between them. Yet she finally answered Silberberg inconsistently. "No," said she, "I am not very sor- clouds. By waiting for the turn of the

hold my dress out of the dew." "Tell me once more that you are not sorry, please," said he.

fact, 1-1 am rather glad, Mr. Silber- Temagami was out of the question, berg."

"Max!" said he unctuously. "Let it be Max, your fellow prisoner!"

Virginia now systematically hid from Shayne, violating the rules of weather Silberberg, dinners and forced inter- outside to make sunshine within, was views bringing no advancement to his not surprised when told that they were approaching the line of reversal-the courtship.

One blowy day it culminated. Vir- turn of the wind, "Head against it," ordered Shayne, "and cross Lake Ontario before dark if gusts and swept the sky with her you can."

"It looks more than we can face." said the pilot. "If it is shall we run

and driving fast before the gale came Shayne.

the only flying machine in America free of the McFadden interdict. Unfortunate Silberberg! "And you may want to know, sir,

At the same hour Mrs. Shayne burst into Shayne's den, her breath short, overhauling us." her face flushed, her attire and colffure disarranged. Shayne knew the symptoms

"Oh, tell me it isn't true!" she cried. 'Tell me that I am not bumillated, actually controlled, by that bandit from the Alabama forest!

Mr. Shayne begged her to calm her-1101

"It's only an injunction," urged Mr. Shavne, "We can't use the Roc because the court forbids it"-

"At that man Carson's request!" tell you, Finley Shayne, it is a trick of the proteturiats to immure us here and come of their leisure and kill us?"

"My dear, my dear!" urged Mr.

of it-he, Finley Shayne, a fugitive for sailing God's free air in his own ship! And the danger of it, too, for

Canada and safety now looked utterly unattainable.

The mountains slipped from under them, and the farms and villages took their places on the moving concave of the earth as the big ship made speed toward the Mohawk. The Roc was struck by an opposing gale; a sudden hurricane smote her decks as her momentum drove her through the north wind. She turned before it. The great concave panorama below slowly reversed and began paying off to the north as the vast aeronat drifted like a bubble to the south before the flercest blow she had ever dared encounter. Canada was out of the question.

"If we reach an aerial harbor," said Shayne through the speaking tube, "what do you think of trying a land-Ing?"

"She'd rip to strings," said the pilot. 'We'd be killed."

To the pursuing Carson the Roc seemed doomed to the aerostat shipwreck-a shattering fall in landing or watery extinction in the open sea. And Virginia! Agonizing for her, Carson followed, watching like a wrecker en a full rigged ship drives o reef. And yet, even after her turn, all seemed well with the Roc. The sea lay south and east. Northing was impossible; but, edging into the gale with all the power of her screws, she worked stanchly off into the west. Yet Carson knew it was a losing fight, and Shayne walked the deck in agony as she gave ground at last before the wind, which howled in across the Pennsylvania mountains and beat the great hunted creature to the Dela ware at Philadelphia. Virginia came on deck. "Where are we, uncle?" said she. "Oh, we're all right!" Time enough for the trouble when the crisis came, for shipwreck in aeria; voyaging has no tossing before the cyclone ere the final plunge, no wree tle with the waves, no tiring at the pumps, no roaring of white surf scab barding the teeth of the reef. All b steady and comfortable until under neath yawns destruction. Though every moment inevitably marked a loss of gas in the balloon once out at sea, they must keep up to win the far African coast or to bear around the whiri to Nova Scotia or Labrador, and in that quadrant was rain. Before that could be done the huge gas holder would grow wrinkled, flabby, weak: the car would drag her down, the stronger ones would cut everything away to lighten the ship, the weaker would drop into the brine with no hope save in the prayer time accorded by the life preservers, and finally the last man clinging to the fragments of the nacelle would see the huge mass of flapping silk and gum and tin foil drop into the waves, himself utterly lost in the utter desolation of hopeless solltude-food for the fishes.

ry. But I shall need my hand now to wind they might have made New "I am not," she reassured him. "In

"Well, Max, then,"

ginia from a summer house opening toward New York braved the moist

fieldglasses for-well, for something. Silberberg followed her, swearing inwardly at the perversity of the girl, before it and try for a Pennsylvania and as he found her things began to port?"

happen. Far over to the southeast "Use your best judgment," said

"Yes, sir," said the pilot, whose best judgment had been to stay housed.

there's some sort of craft astern and "The devil!" ejaculated Shayne.

'I'll take a look at her."

Shayne stilling mays orders to lay i

course dead for Temagami in spite of

the northwesterly wind back of the

York, but every mile of northing took

them farther from the central "low"

and into a larger circle of the huge

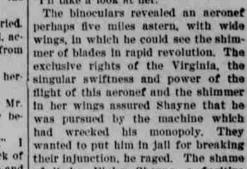
whirl of the gale. The pilot knew that

though the wind blew dead toward it

-nay, because of that fact, for a high

wind never blows straight, but always

in a circle about the "low." So



"'Oh, cursed spite!" " recited Craighead.

"No more tungstate, if you please," said the young woman. "The Air Products company was a wildcat look-

ing West Virginia formation to"-here she read from a clipping-" "to extract free nitrogen from the air by the Craighead method or otherwise, for the purpose of obtaining fertilizers to thereby increase the capacity of the earth for supporting population"-

"Is that." cried he frantically. "in our articles? Then all is lost! Let me take it!"

With shaking hand Craighead took down the telephone and asked for Mr. Filley.

"This you, Filley?" he queried. "Here's something that ruins us. A split infinitive in the articles. Won't hurt anything? Won't have to be done over? And we call ourselves civilized!"

Craighead handed the paper back. "You have shocked me." said he. "But never mind, dearle! I know not whether to rejoice for the Air Products company or weep for institutions that allow such a solecism to be legal as 'to thereby increase."

"Well," said the reporter, "It goes on to say 'and for securing all rights in the atmosphere necessary for its complete reduction to possession for the production of nitrates, ozones and all other atmospheric derivatives and for the securing of exclusive rights in the air over lands for all purposes whatsoever.' Now, that." said she. "'for all purposes whatsoever,' isn't

that pretty broad?"

"A broad intellect composed it."

"These rights happen-merely happen-to gridiron every state in squares marked by grants and leases to the Air Products company?"

"My child." said Craighead, "do you understand the Craighead method of extracting nitrates from the atmosphere by spontaneous discharges of statical electricity from electrodes suspended over the earth's surface?"

"No," she said. "Do you?"

"It is one of my specialties," said be "If I might have you all to myself for an evening I would explain, but for the nonce by by!"

Mr. Craighead took much pleasure in his position as press representative of the Carson-Craighead Aeronef company. The Virginia, her builder and the contest with Aerostatic Power were matters on which the great dai-Hes had men at work night and day. This visit to the neighborhood of Shayne's Hold was a tantalizing mystery. The mountain inn where the Virginia had been laid up for repairs must pass over them in going from had been visited by reporters and the impossibility of surface communication between it and Shayne's Hold situation constitutes a threat that this pointed out. The mysterious Craig- will be repeated. The defendants by head had leased for the Aeronef cor. claiming the right to pass these lines

city of New York through the air own- land ed by the plaintiff or from navigating

the real property of the plaintiff wheresoever situated.

defendants, followed by that of the aerial craft, and airships everywhere were hemmed in by the "real proper in the ice. The "real property" was Nitrates and Air Products company: Craighead's oplum dream was explained. The relation between the twin companies was disclosed. Two perfectmonopolize the air, the rights attaching to ownership of land and that of shudderer. injunction to prevent trespass or nui-

sance. Public and press were struck with amazement. The unthinking laughed at the unheard of and preposterous claim to private control of the atmosphere. Lawyers began poring over cases dealing with rights in and over outcome of the case of the "Universal Nitrates and Air Products company versus Shayne et al."

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 rumpled, 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 bailiffs, shuffled his feet and drummed on the table until the court tapped for silence.

"We will bear from the plaintif." 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 place to place; that the defendants have habitually done so and that the noration the vacant aerodrome on the ' confess this for present purposes. We

"How much more am I damnified by any serial craft across, over or through the airship, which may iror a mon-

key wrench, a spanner, a gob of ballast or a casual remark into my priva-Finley Shifyne's name led the list of cy? Aeronefs will fall into the rural silo, drag ropes will rip up barbed Aerostatic Power company and page wire, and Pyramus and Thisbe in their after page of names of people owning Arcadian wooing may be smothered under falling gas bags or torn asunder by dragging anchors inserted in their ty" of the plaintiff, like whalers frozen | fluttering hearts! | shudder, your honors, at what may happen when the air that wonderful spider's net of grants. is populous with flying jiggers, popand the plaintiff was the Universal popping about, raining ballast and wine bottles and bacon rinds and stale bananas and hot coffee and soft boiled eggs and lobster a la Newburg on a lost and undone republic, and when I ly well known legal principles were shudder persons of ordinary sensitivehere united in an audacious attempt to ness fly into fragments with the shivers, for I am no light and habitual

"I have spoken in my weak way of what might make a landholder unwilling to have his air used as a highway. But he doesn't have to give a reason-he can show his deed and tell the whole world to go to-to the captain's office and settle. Your honors, I adjure you to cling to your unbroken land, with growing dublety as to the precedents and uphold property, on which society is based. To say that we do not own these strips of land. but only rights in the air, is foolishness When the case came on to be heard of the damphest sort. The landowner may sell the surface and keep the minerals or sell the mineral rights down to China and keep the surface. Our grantors owned and sold these rights to us. It is slanderous to say that we have hornswoggled-to coin a phrase-the farmers by promising cheap nitrates by the Craighead method. It is my intention to take a few moments some day to perfect the Craighead method and begin to extract nitrogen, but that is another narrative. The point is that we've got those rights. We have what nobody ever had before-the proof that defendants pass over our lands, because they have to. Nobody else ever had lands hemming in everybody. We have. This makes our proof simply pie, and we call upon you to protect us in the name of the law of landownership, on which every government in all the world is founded. "They say we seek to enslave travel-

ers. This absurdity applies as forcibly to surface rights or mines. If the traveler can't pay our scale let him go by public highways or by boat or rail-or stay at home. We anticipate that rights to air navigation will become more and more valuable. We expect to charge whatever the situation makes possible. This is as moral as increasing rent for lands. We shall grant licenses or not, as we please. We may demand title to all patents on

son-Craighead stocks; thousands of men were put to work on the Carson aeronefs; the Waddy family began to occupy space in newspapers and magazines; the world of finance whirled about and readjusted itself to the explosion-all of which took time.

And in the midst of the first excitement the following item appeared in a newspaper:

A bizarre result of the McFadden decision is the marconing of Mr. Finley Shayne, erstwhile prince of the powers of the air, at Shayne's Hold, where the Roc was enjoined. There is no egress from the hold save by airship. The Carson crowd has the air rights surrounding the mountain, and Mr. Shayne and his family have no means of getting away except by violating the injunctions. No craft save the Carson aeronef, the Virginia, can go to them or anywhere, and Mr. Shayne will starve rather than

allow her to land. This sounds like a joke, but Mr. Shayne takes it seriously. castaways are Mr. and Mrs. Shayne, Miss Suarez and Mr. Max Silberberg. Carson approached Craighead with this paper, his finger pointing to the

item. Craighead read it with glee. "When Shayne has eaten the last poisoned rat," said he, "and worn his knees raw snaring rattlesnakes off the

cliff for food I'll go to him and say: 'Proud ex-plute, if on your bandaged knees you beg my kingly clemency I'll give you this sandwich and bottle of beer; otherwise s-s-s-s-tarve, and be 'anged to you! Either that or wire him permission to depart in the Roc. Which sayest thou?"

"I have wired him offer of the license," said Carson, "and he declined insultingly. Then I offered to come for them in the Virginia." "And he answered?"

"That he would shoot me or any

man in my employ that dared invade his air over Shayne's Hold!"

Mr. Carson brooded over the fact that the very writ of injunction that made him master of the air confined the girl for whom he had striven in a petit trianon on a mountain top with Max Silberberg.

But if the victor felt a ferment of spirits, what of Mr. Shayne and the castaways in a palace? Silberberg was spending an aft-

ernoon with Virginia on the Shayne grounds. "We are alone," said Silberberg, "on

an island in the air. Are you sorry?" Virginia was thinking of the victory of Carson. He had been great in work- ing to stay with you." Ing out his creation, and now he had made war on her Uncle Finley, the

"THE HOOK! THE HOOK! I GO; BUT MY LOGIC STICKS!"

Slaryne. "That is quite impossible! We could go in the Roc rather than be murdered.'

"You imprison me and then insult me. Coward! If going in the Roc is so easy, why don't we go? I thought 1 was married to a man!"

Shayne sprang to his feet. "Marie," said he, "the Roc will be ready in half an hour! I'll show you I'm no coward! Get ready! Call Virginia and Silberberg! Hurry!"

Mrs. Shayne knew better than to try stopping him. He yelled messages and orders into telephones. He issued hurry calls for valets and maids. The forcefulness that had made him what he was came uppermost.

Suddenly into Shayne's den burst Silberberg, his face red, his whole being simmering hot.

"I'm done with you!" spluttered Silberberg. "Get me away from here if you're a gentleman!"

"If I wasn't I'd have you kleked off!" said Shayne. "You can't jump on me, if you are my guest! I'll"-"She's refused me in a way I can'

stand." protested Silberberg, with hands upflung. "She said I was disgusting! I can't stay!"

"Well," answered Shayne, "the Roc salls at once."

The other members of the imprisoned party were at the garage before Silberberg, Mrs. Shayne in the cabin, Virginia and Shayne in animated debate on the platform.

"Well," Shayne was saying to her, "stay, then, like a simpleton! But how are you to get away? I don't know how long the courts will keep this up. and our running the injunction won't

make it any shorter!"

"It's blowing awfully," said Silberberg.

Nobody noticed him but the pilot. "I know it, sir." said he. "It's foolhardy to take this gas bag out."

"Shayne," said Silberberg, "the pilot says it's not fit to go out."

"Then stay," answered Shayne. 'You're welcome to the house."

"But, Shayne," cried Silberberg, "It may mean getting whirled out to sea or''-

"Out to sea!" sneered Shayne. "And the wind southeast. Stay if you're afraid. Virginia, Mr. Silberberg's go-

Virginia walked aboard with a look of disdain, the hitterest cut of all, tiger of the Stock Exchange, in his The winches drew back the leaves of very den-and won! But yet this last the great roof to let out the Roc, and victory was not like the first. This the surge of the outer air filled the was the old story of finding how to garage with windy tumults. Silberexploit the world by monopoly; that berg suddenly resolved to go and leap-

Virginia, again on deck, stood gazing ahead, not knowing that their actual flight was astern. She thought she was looking toward her destination. She had lost sight of the Virginia, and she was not sorry or displeased to have Carson give chase unsuccessfully. She was very angry with him.

Suddenly she looked astern and was amazed that such a body of water had been passed without her knowing it, as one journeying over a prairie might feel to look behind and see an ocean. The subtle expression of the tossing waves told her that this was the open sea. For miles and miles she saw great waves bursting in immense explosions of spindrift and spray. swept clean of shipping, the glassy rear of the racing billows throwing back to her eyes sinister glints from the rare gleams of the western sun. and out into this fierce fight of the elements the Roc was drifting stern. on in spite of the frenzied thrust of her great screws into the suck of the gale

(Continued to Page 8).