

# AIRPLANE OWNERS RESPONSIBLE FOR PROPERTY INJURY

Although the Land-Owner's Title Runs "To the Sky," Here Is No Way to Prevent Aviators From Flying Planes Over Your Land. Recent Damage to Property Raises Question of Right.

By CALEB JOHNSON (Special Writer for The Democrat)

Half a dozen airplanes have crashed in the past few months in such a way as to damage property or injure persons on the ground. Two homes were set on fire at Florida Park, Long Island, by an airplane falling on them. Another plane damaged the roof of a store in Seattle when it crashed. Still another fell on the Y. M. C. A. building in New York. Another flyer landed in a crowd of people, injuring several.

Here is a new menace to lives and property. How can it be averted? Isn't there any way by which the landowner can prevent aircraft from crossing his land?

Lets see. If a stranger enters upon your land without permission you can have the law on him. If he cultivates your land, the crop belongs to you. If he builds on your land, you own the building.

That is the old, settled law of land tenure. You must guard your rights, for if you do not take steps to eject a trespasser for twenty years, at the end of that time he owns the land he is occupying; if you don't put a barrier across the path which runs over your land and the public uses it for twenty years, it becomes a public thoroughfare. Those are the laws in the states where the English Common Law runs, and in most other states by statute.

Those are the laws of the surface of the soil. But the law goes deeper. You own your land all the way to the center of the earth. Nobody can dig a well, drive a mine shaft, bore a tunnel under your land, without your consent. Except where ownership or minerals is reserved to the State, as in New York, you own all the gold, oil, iron, precious stones or what not that may lie beneath the surface of your land. You may lease or sell these sub-surface rights without impairing your own tenure of the surface.

That is the general law of the depths of the earth. And you own the air above your land, all the way to the uttermost limits of space. That, too, is an old settled rule of law. Nobody may build a structure which overhangs your land by the fraction of an inch. If your neighbor's apple tree has limbs which project over your fence, the apples on those limbs are yours.

The value of these air rights, like the value of the land, depends upon the location. In the big cities they are immensely valuable. The owners of a big office building in New York pay \$70,000 a year, on a 100-year lease, for the air rights above an adjoining building. This means that J. P. Morgan and Company, who own the low building, cannot build above the fourth or fifth story for one hundred years. The light and air admitted to the windows of the big building next door are worth \$70,000 a year and more in increased rents for the offices overlooking the Morgan building.

A dozen or more great hotels and apartment houses are built on the air rights over the New York Central Railroad tracks entering New York. This particular stretch of railroad, running under Park Avenue, is owned by the New York and Harlem and leased to the New York Central. The railroad uses only the truckage space, and rents the privilege of placing great pillars between the tracks and the right to build huge buildings supported by those pillars. The Harlem road is suing the Central for the rents thus received, saying it leased to the Central only the railroad line and not the air rights.

It would seem, then, at first glance, that the owner of the land can control the air above it just as he does the depths beneath it. If a man drives a team or automobile across your land without permission, he is a trespasser. Then is not the pilot of an airplane, who flies over your land also a trespasser?

The law apparently says no. You can sue for damages and collect them, if the owner or pilot of an aircraft is responsible, if he flies over any actual damage. If he stampees your cattle, frightens your milk cows, scatters your flock of poultry, scares your horses into running away, you can sue for damages, but you must prove damage. Merely flying over your land does not damage you, so far as the law of aviation has been defined thus far.

Of course, if an airplane or a dirigible alights on your land, it is a trespasser. And if, in alighting, intentionally or by accident, it injures your crops, breaks down your fruit trees, kills any of your livestock, or damages any of your buildings, you

## "Commoner's" Widow



Mrs. Macy Baird Bryza, widow of the late William Jennings Bryan, passed away at the home of her daughter, Mrs. Grace Hargreaves, in Hollywood, Cal. Mrs. Bryan was almost as widely known as her famous husband, in whose work she took an active part for many years.

## LIVE-AT-HOME PROGRAM TO BE BROADCAST NEXT WEEK

As a part of the live-at-home program which will be observed in the public schools of the State during the week beginning February 10, a radio program has been arranged from Station WPTF, in Raleigh.

Each morning from 9:00 to 9:10, Monday to Friday, inclusive, a talk on some phase of the live-at-home idea will be broadcast. On Monday from 2:00 to 2:10 p. m., a live-at-home message will be sent from the Department of Agriculture.

The speakers for each day's program are as follows:

- Monday—Governor O. Max Gardner.
- Tuesday—A. T. Allen, State Superintendent of Public Instruction.
- Wednesday—T. E. Browne, director of Vocational Education.
- Thursday—J. Henry Highsmith, director of Division of School Inspection.
- Friday—Miss Rebecca Cushing, supervisor of Home Economics Education.

All schools owning radios are requested to tune in on these programs, and for schools not owning radio sets it is suggested one be borrowed and placed in the auditorium and that the student body assemble each day to listen to these talks.

It is further suggested by educational authorities that parents and others tune in on these programs, or attend the exercises put on in connection with the live-at-home program in the schools.

Laws governing the operation of planes are still largely matters of State legislation. The Federal Government will revoke the license of any pilot flying closer to the ground than 500 feet. That is as far as the national laws go, and flyers who do not cross State lines don't have to have a federal license.

With the multiplication of planes, the American Bar Association is urging uniform legislation covering damages done by them by negligence or accident. Delaware, Idaho, Indiana, Maryland, Michigan, Nevada, North Carolina, North Dakota, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont and Wisconsin have already adopted laws making the owner of the plane liable. Arizona and Connecticut make the pilot equally responsible.

But nowhere can you prevent anybody from flying over your land at the legal height. The situation is similar to that of the owner of an oyster bed. He can prevent anyone from stealing his oysters, or building piers or driving piles on his submerged land, but he can't stop anyone from sailing a boat on the water over the oyster bed. And if an airplane, flying so high that you can't read the license number on it, causes your best horse to run away and break its leg, that's your hard luck.



## DR. CALDWELL'S THREE RULES

Dr. Caldwell watched the results of constipation for 47 years, and believed that no matter how careful people are of their health, diet and exercise, constipation will occur from time to time. Of next importance, then, is how to treat it when it comes. Dr. Caldwell always was in favor of getting as close to nature as possible, hence his remedy for constipation is a mild vegetable compound. It can not harm the most delicate system and is not habit forming.

The Doctor never did approve of drastic physics and purges. He did not believe they were good for human beings to put into their system. Use Syrup Pepsin for yourself and members of the family in constipation, biliousness, sour and crampy stomach, bad breath, no appetite, headaches, and to break up fevers and colds. Get a bottle today, at any drugstore and observe these three rules of health: Keep the head cool, the feet warm, the bowels open. For a free trial bottle, just write "Syrup Pepsin," Dept. BB, Monticello, Va.

## "Little Histories" of Governors of N. C.

By COL. FRED A. OLDS in Prison News

The "little histories" of the Governors of North Carolina are of much historical interest. There were two governors named by Sir Walter Raleigh, Ralph Lane and John White, 1585-87; Lane serving 13 months and White 4 months. Lane, born in 1530, died 1605, aged 75; White, born in 1532, died in 1600, aged 68.

Seventeen governors were appointed by the Lords Proprietors or by the King of Great Britain: William Drummond served 3 years, born in 1626, was hanged in 1677, aged 51. Samuel Stephens served 2 years; born in 1625, died 1669, aged 44. Peter Carteret, served 3 years; born 1630, died 1707, aged 77. Seth Sothel served 8 years, born 1640, died 1696, aged 56. John Harvey served 5 years and 8 months, born 1630, died 1679, aged 49. Philip Ludwell, served 5 years, born 1651, died 1717, aged 66. John Archdale, served 1 year, born 1642, died 1716, aged 74. Henderson Walker, served 5 years, born 1650, died 1701, aged 51. Edward Hyde, served 2 years, born 1660, died 1712, aged 52. Thomas Pollock, served 4 years and 6 months, born 1654, died 1722, aged 68. Charles Eden, served 8 years, born 1673, died 1722, aged 49. George Burrington, served 4 years and 6 months, born 1706, died 1759, aged 53. Richard Everard, served 9 years, born 1690, died 1750, aged 60. Gabriel Johnston, served 18 years, born 1690, died 1752, aged 62. Arthur Dobbs, served 11 years, born 1689, died 1765, aged 76. William Tryon, served 6 years, born 1729, died 1788, aged 59. Josiah Martin, served four years, born 1737, died 1786, aged 49.

Twenty-four governors were elected by the Legislature: Richard Caswell, served 3 years 6 months, born 1729, died 1789, aged 60. Abner Nash, served 1 year, born 1740, died 1781, aged 41. Thoma Burke, served 1 year, born 1747, died 1783, aged 36. Alexander Martin, served 6 years, born 1740, died 1807, aged 67. Samuel Johnston, served 2 years, born 1733, died 1816, aged 83. Richard Dobbs Spaight Sr., served 1 year, born 1758, killed in duel 1802, aged 44. Samuel Ashe, served 3 years, born 1725, died 1813, aged 88. William H. Davis, served 1 year, born 1756, died 1821, aged 65. Benjamin Williams, served 3 years, born 1752, died 1811, aged 62. James Turner, served 3 years, born 1766, died 1824, aged 58. Nathaniel Alexander, served 2 years, born 1756, died 1805, aged 52. David Stone, served 3 years, born 1770, died 1835, aged 65. Benjamin Smith, served 1 year, born 1755, died 1826, aged 71. William Hawkins, served 3 years, born 1777, died 1819, aged 42. William Miller, served 3 years, born 1780, died 1825, aged 45. John Branch served 3 years, born 1782, died 1863, aged 81. Jesse Franklin, served 1 year, born 1760, died 1823, aged 63. Gabriel Holmes, served 3 years, born 1769, died 1829, aged 60. Hutchings G. Burton, served 3 years, born 1774, died 1836, aged 62. James Iredell, served 1 year, born 1788, died 1863, aged 75. John Owen, served 2 years, born 1787, died 1841, aged 54. Montford Stokes, served 2 years, born 1760, died 1842, aged 82. David L. Swain, served 3 years, born 1801, died 1868, aged 67. Richard Dobbs Spaight Jr., served 1 year, born 1796, died 1850, aged 54.

Twenty-eight governors were elected by the people: Edward B. Dudley, served 5 years, born 1789, died 1855, aged 66. John M. Morehead, served 1 year, born 1796, died 1866, aged 70. William A. Graham, served 4 years, born 1804, died 1875, aged 71. Charles Mann, served 2 years, born 1795, died 1874, aged 76. David S. Reid, served 3 years, born 1813, died 1891, aged 78. Warren Winslow, served 26 days, born 1810, died 1863, aged 53. Thomas Bragg, served 4 years, born 1810, died 1872, aged 62. John W. Ellis, served 2

years, born 1820, died 1861, aged 41. Henry T. Clark, 1 year, born 1808, died 1871, aged 66. Zebulon B. Vance, served 5 years, born 1830, died 1894, aged 64. William W. Holden, served 2 1/2 years, born 1818, died 1892, aged 74. Jonathan Worth, served 3 years, born 1802, died 1869, aged 67. Todd R. Caldwell, served 4 years, born 1818, died 1871, aged 53. Curtis H. Brogden, served 2 years, born 1816, died 1901, aged 85. Thomas J. Jarvis, served 6 years, born 1835, died 1915, aged 79. Alfred M. Scales, served 4 years, born 1827, died 1892, aged 65. Daniel G. Fowle, served 2 years, born 1831, died 1891, aged 60. Thomas M. Holt, served 2 years, born 1831, died 1896, aged 65. Elias Carr, served 4 years, born 1839, died 1900, aged 61. Daniel L. Russell, served 4 years, born 1845, died 1908, aged 63. Charles B. Aycock, served 4 years, born 1859, died 1912, aged 53. Robert B. Glenn, served 4 years, born 1854, died 1920, aged 66. William W. Kitchen, served 4 years, born 1866, died 1924, aged 58. Locke Craig, served 4 years, born 1860, died 1924, aged 64. Thomas W. Bickett, served 4 years, born 1869, died 1922, aged 53. Cameron Morrison, served 4 years, born 1869, Angus W. McLean, served 4 years, born 1870. Oliver Max Gardner, born in 1882, began his term January, 1929.

## MY LAND

By Thomas Osborne Davis  
She is a rich and rare land;  
Oh, she's a fresh and fair land,  
She is a dear and rare land,  
This native land of mine.

No men than hers are braver;  
Her women's hearts ne'er waver;  
I'd freely die to save her,  
And think my lot divine.

She's not a dull nor cold land;  
No! She's a warm and bold land;  
Oh, she's a true and old land,  
This native land of mine.

Could beauty ever guard her  
And virtue still reward her,  
No foe would cross her border,  
No friend within it pine.

Oh, she's a fresh and fair land,  
Oh, she's a true and rare land,  
Yes, she's a rare and fair land,  
This native land of mine.

## Man So Nervous Gets Sore When Spoken To

"It actually irritated me to have anyone talk to me, I was so nervous. Vinol eased this and I feel wonderful now."—Wm. Fahy.

Vinol is a compound of iron, phosphates, cod liver peptone, etc. The very FIRST bottle makes you sleep better and have a BIG appetite. Nervous, easily tired people are surprised how QUICK the iron, phosphates, etc., give new life and pep. Vinol tastes delicious. Hodges Drug Company.

## PASTIME THEATRE

Thurs., Fri., Sat., February 6th, 7th and 8th  
(MATINEE FRIDAY AND SATURDAY, 2:30 O'CLOCK)

WILLIAM FOX presents  
**The COCK EYED WORLD**  
with VICTOR MCLAGLEN, EDMUND LOWE, LILY DAMITA  
Directed by RAOUL WALSH  
ALL TALKING SINGING LAUGHING Movietone

**MORE LOVING SWEETIES!  
MORE ROLLICKING LAUGHS!  
MORE HARD BOILED BATTLES!**

### Wilkes Hatchery Opens 1930 Season

February first. Make reservations for custom hatching, only \$3.00 per tray of 112 eggs. Place your order early for strong husky chicks from range grown flocks, pure-bred, State inspected and blood tested. Barred and White Rocks, R. I. Reds. Hatching eggs and poultry equipment.

**WILKES HATCHERY**  
NORTH WILKESBORO, N. C.

## VIRGINIA FARMS

For Sale in the Shenandoah Valley

Level, Smooth, Blue-grass Stock, Dairy, Grain, Orchards, Poultry Farms, Filling Stations and Flour Mills—good Home Markets and near Large Cities.

157 acres, splendid 7-room residence, large new bank barn, new tenement house and barn, all needed farm buildings, 10-acre bearing orchard; fruit netted \$4,750 past two years; well watered, fenced and timbered; one mile railroad town—\$16,000.

200-acre dairy farm, level and smooth; two houses, one 6 and other 5 rooms; new dairy barn, silo and milk house, cost \$3,500. An abundance fruit, water and timber, three miles this city—\$8,000.

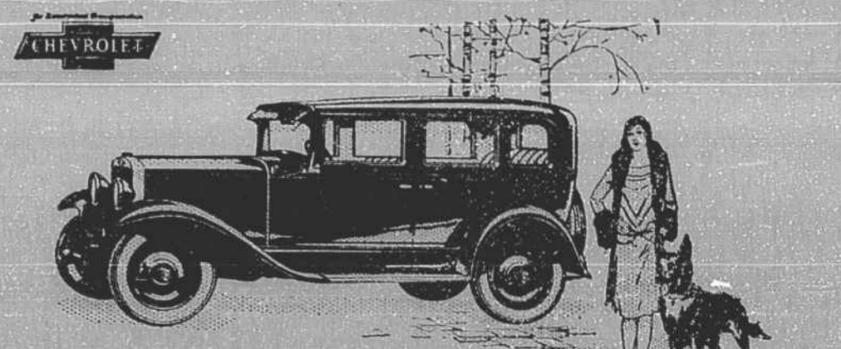
153 acres, new 6-room stone residence, barn and usual buildings; 12 acres timber, 30 acres creek bottom blue-grass with running water; three springs on farm, 400 bearing fruit trees, 40 acres wheat included if sold at once; one mile highway, 5 miles this city—\$5,000.

100 Acres, fertile, smooth and level, new 6-room residence, large barn, large family orchard, 8 acres timber, well fenced and watered, half mile large school; 3 miles city over good road—\$4,000.

50-acre poultry and truck farm, good 7-room house, barn, poultry and hog houses, school, churches, store and mill at farm; 7 miles this city over solid road—\$2,500.

Our taxes are low, our highways built and paid for. If you want to live where farming DOES pay, investigate these farms. Write for details, tell me your wants—come and see for yourself.

**W. T. BIRMINGHAM**  
25 West Water Street  
WINCHESTER, VIRGINIA  
2-64c



## Greater Beauty - Finer Performance

Never has a Chevrolet car won greater praise for its appearance than the new Chevrolet Six. Its new Fisher bodies reveal in every detail the artistry that has made the Fisher name famous throughout the motor car world. In beauty of line and color, in balance and harmony of design, they represent one of the greatest style triumphs in Fisher history. Upholsteries are richer and more durable. The instrument panel carries a new and more attractive grouping of the control instruments. Seats are wider and deeper. In fact, not a single feature has been overlooked that would add to the comfort and convenience of both driver and passengers.

In addition to its new beauty, the new Chevrolet Six represents a remarkable advance in every phase of performance. Its improved six-cylinder valve-in-head engine has been increased to 50 horsepower—giving faster acceleration, and greater reserve power. Steering has been made safer and easier. Four Lovejoy hydraulic shock absorbers provide exceptional riding comfort. Fully enclosed, internal-expanding, weather-proof brakes give positive braking control. And numerous structural improvements add to the car's dependability, endurance and long life. Come in today and see this car. And remember, it is now available—

— AT GREATLY REDUCED PRICES

The ROADSTER.....	\$495	The COUPE.....	\$565	The SEDAN DELIVERY.....	\$595
The PHAETON.....	\$495	The SPORT COUPE.....	\$625	The LIGHT DELIVERY CHASSIS.....	\$365
The SPORT ROADSTER.....	\$525	The CLUB SEDAN.....	\$625	The 1 1/2 TON CHASSIS.....	\$520
The COACH.....	\$565	The SEDAN.....	\$675	The 1 1/2 TON CHASSIS WITH CAB.....	\$625

All prices f. o. b. factory, Flint, Michigan

## Boone Chevrolet Co.

BOONE, N. C.  
A SIX IN THE PRICE RANGE OF THE FOUR

**JOE GISI'S FREE AIR**  
SINGING IN THE RAIN  
NOW THAT THEY'RE PUTTING RADIO SETS INTO CARS, THESE ARE SOME FOLKS WHO NEVER WILL GO HOME