

limitation analogous to the range of guns, actual or conventional, be applied; for the mischief of bodies falling by accident or design from an airship (not to speak of a whole wreck) only increases with the height from which they drop. Military dangers, too, are obvious. And "in fact, States have always exercised sovereignty over the air so far as they have wanted to do so."

As to municipal law, dominion "*usque ad caelum*" is recognized by the better opinion here, and by the law of most countries, though sometimes with a restriction on the annexed remedial rights determined by the limit of effective occupation or substantial interest. Where an individual owner's rights are, there must also the public sovereignty of his State be. Then, if the air is free, why is it not free at a hundred feet above ground, or ten, or five? And what about freedom to land?

The most plausible counter-suggestion is sovereignty limited by a right of innocent passage. It might be expedient to establish such a right by convention; but in fact the law of nations does not recognize any corresponding positive right on land. Then there is the proposal of limiting State control over aerial navigation to a vertical zone of say 1,500 metres. But "it seems impossible to draw any real distinction between different zones of air space"; we may add that nobody knows what the limits of aerial navigation will ultimately be.

Further, and this appears to be a fatal objection, the doctrine of "free air" would allow belligerent air-vessels to fly at will over the territory of neutral States. Even aerial warfare above neutral ground could be forbidden only by special convention. In fact, the "free air" theory will not work without exceptions of such extent as to make the rule absurd, and it is simpler to admit State sovereignty at once.—*Law Quarterly*.