

The subsequent trial and its outcome are briefly described: "In a year the wings were finished, and on a morning appointed, the maker appeared furnished for flight on a little promontory. He waved his pinions awhile to gather air, then leaped from his stand, and in an instant dropped into the lake. His wings, which were of no use in the air, sustained him in the water, and the prince drew him to land, half dead with terror and vexation." This failure seems, if more abject, less deplorable than was that of the unthinking Icarus, who neglected to allow for the heat of the sun on his waxen appendages.

There being such constantly recurring examples to be found of craft of the nature in question, both owned and controlled by subjects of a different country from that where the misadventure happens, getting into trouble with dwellers on terra firma, that the international aspect of the matter would appear to be of first-rate importance.

While "the heavens above, the earth beneath, and the waters under the earth" have been for all time assigned to man's use, and left to his superintendency, the *jus gentium* so far only deals with, and operates upon, the last two spheres of movement. And where the high seas is concerned, there are, of course, long-sanctioned definite rights and privileges of sovereignty enjoyed by one nation over others, with countervailing duties and obligations imposed by edict of the international college. But recognizing the doctrine of private ownership of everything on, below and above the surface (*cujus est solum, ejus est usque ad coelum et ad inferos*), to what extent, if any, does it become weakened in the case of the overhead empire? A proprietor of land may, so long as it has been securely enclosed, and there has been no invitation by him to come upon the premises, bring appliances there liable to cause injury to those who negligently expose themselves to danger therefrom, without being responsible for any damage referable to contact with any such. So with the keeping of ferocious animals, if one recklessly disturb them, so attracting injury to himself. Suppose, however, the owner of some mechanical device for air-transportation, while operating