

Of Interest to Women

FRUIT PUNCH FOR SUMMER ENTERTAINING

Have you a very large and gorgeous punch bowl, or can you borrow one? Punch is the cool and classic beverage for all summer affairs. It is always served from a large bowl, and the correct punch cup has a handle, though there is nothing wrong about serving punch in beverage glasses at the informal party.

The punch itself should be frosty with ice cubes and garnished temptingly with maraschino and mint cherries, rings of lemon, lime and orange, shredded pineapple and mint leaves. Some of these garnishes may be frozen into the ice cubes for an additional decorative effect.

Sparkling Fruit Punch

12 limes
6 lemons
3 oranges
1 quart pineapple juice
1 quart ginger ale.

Combine all fruit juices and chill thoroughly. Add gingerale just before serving. Also plenty of ice cubes should be added for a cool, refreshing drink. No sugar is needed in this punch, for the pineapple juice will sweeten it sufficiently. Makes 5 quarts.

CHILDREN ON TRAINS

If you are a mother travelling with your children, do not let them eat continuously. The odor of food is very annoying to people who are troubled with "car sickness." Do not allow children to wander up and down the aisle of the car. Some travellers like to chat and play with children, but many do not, and unfortunately, you have to consider the feelings of people of that sort.

Travelling on trains is difficult for children. They become restless very quickly. Naturally, they want to be amused. Keep them near you and plan some amusement for them before you start. Books, games, sewing and other simple pleasures help to relieve the strain of travel for children.

MANNERS IN PUBLIC

A man removes his hat when greeting a woman, even if she is his wife or daughter. If he is walking with a woman, he should also take off his hat when she greets an acquaintance, whether the person greeting is a man or a woman. When leaving a woman a man should take off his hat as he says, "Goodbye."

Ordering a Meal

If you are a woman having luncheon with a man, look over the menu and tell him what you wish to eat. Do not tell the waiter or waitress. Unless you know that your escort can afford it, do not order a meal that is too expensive; and even if he has plenty of money, do not order as if you were "half-starved." Restraint is always a sign of good breeding.

Collision on Way to Discuss Mdivani Will

COPENHAGEN, Denmark, August 19.—Death took another stroke at the business side of the foreign romance of Barbara Hutton, dime store heiress and missed this time.

Motoring to Paris to make arrangements for collecting the \$400,000 said to be returned to her by Alexis Mdivani, the divorced \$350,000 a year husband who died in an automobile accident a few days ago, Barbara and her new husband, Count Kurt von Haugwitz-Reventlow, narrowly missed death in an automobile accident near here.

Their car collided with another at the little town of Bruserup. The windshield was smashed and it was a narrow escape, but neither Babs nor her Danish husband suffered serious injuries. They were able to drive the car on after making minor repairs.

Barbara was reported considerably shaken by the accident. Only two weeks ago her former husband, Prince Alexis Mdivani, to whom she is said to have agreed to pay \$350,000 a year of the dime store millions when she divorced him at Reno early this summer, was killed in an automobile accident in Spain.

By the terms of the will, Barbara is reported to be in a way to recover about \$400,000 of the fortune she spent on the polo-playing young man from the sheep-breeding hills of Georgia, and when the smash occurred she and her titled husband were on the way to Paris for a conference with Prince Mdivani's brothers and sisters to settle up the financial affairs.

The settlement concerns chiefly the division of the real estate, including the palace in Venice Babs gave to her husband, paying a fantastic sum for it, and which he kept, with all the other emoluments, after the divorce. Under the terms of his will she will receive one-third of his estate and it was understood she would choose the palace as part or all of her share if the Mdivani family is willing.

PRIVATE AIR OWNERSHIP VEXES BEST LEGAL MINDS

Limitation of Land and Water Rights Develops Trespass and Nuisance Question in the Air

WASHINGTON, D. C., August 19.—It is not likely that even so farseeing a prophetess as Mother Shipton the time would ever come when an issue could be made over the question of whether there can be such a thing as private ownership of the air or any part of it. Yet this question has risen to vex the legal minds of the United States, as well as other countries. Even a comparatively few years ago, any lawyer would have inclined to the view that when an individual owns a tract of land he owns it down to the centre of the earth and up to the heavens above. Indeed, that was long recognized as an indisputable doctrine of private property.

The first break in this jurisprudence came as a result of mineral rights. The question of how far down a landowner's property rights extended seemed revolutionary enough when it first was broached but, even then, no one ever thought of bringing into question the matter of how far up private rights extended.

As an incident of the tremendous enrichment of private property owners through discovery of rich mineral deposits on their lands, the doctrine of nationalization of the subsoil was introduced. In this country the matter first arose in connection with grants of public lands. The contention was made, on behalf of the public, that when the government made land grants it was ignorant of the vast potential values involved. Notable suits, particularly the great Southern Pacific suits, revolved around this question. It was contended that while the government did freely grant the use and ownership of the land surface, it had not alienated its claims

It was a procession almost regal in its munificence that the accident interrupted temporarily. Preceded by seven servants, travelling in three cars and carrying the luggage, the count and Babs followed in the count's brother's car. They drove from Hardenberg, where she has been staying at the count's estate, to the ferry. Babs was dressed in a blue, tailor-made outfit with a broad light hat. She promenaded the ferry station at Gedser, smiling, while the count went to the window and bought the tickets himself. He was dressed in gray flannels.

At the count's estate, sometimes called a castle, there was a hub-bub of enthusiasm as the heiress to the Woolworth dime store millions left with a lavish hand. Servants reported that she left \$2000 in tips for them when she went away. Nothing like that has been heard of in Denmark or a long time.



Sealed tenders addressed to the undersigned and endorsed "Tender for alterations and additions to Armoury, Saint John, N. B.", will be received until 12 o'clock noon (daylight saving), Thursday, September 5, 1935, for the erection and completion of alterations and additions to the Armoury, Saint John, N.B.

Plans and specification can be seen and forms of tender obtained at the offices of the Chief Architect, Department of Public Works, Ottawa, and Resident Architect, Old Post Office Building, Saint John, N. B., and the Caretaker, Post Office Building, Fredericton, N. B.

Tenders will not be considered unless made on the forms supplied by the Department and in accordance with the conditions set forth therein.

Each tender must be accompanied by a certified cheque on a chartered bank in Canada, payable to the order of the Honourable the Minister of Public Works, equal to ten per cent of the amount of the tender, or Bearer Bonds on the Dominion of Canada or of the Canadian National Railway Company and its constituent companies, unconditionally guaranteed as to principal and interest by the Dominion of Canada, or the aforementioned bonds and a certified cheque if required to make up an odd amount.

NOTE.—The Department, through the Chief Architect's Office, will supply blue prints and specification of the work on deposit of a sum of \$10.00, in the form of a certified bank cheque, payable to the order of the Minister of Public Works. The deposit will be released on return of the blue prints and specification within a month from the date of reception of tenders. If not returned within that period the deposit will be forfeited.

By order,
N. DESJARDINS,
Secretary.
Department of Public Works,
Ottawa, August 12, 1935.

on the undiscovered riches underneath.

No more public lands are granted without specific reservation of mineral rights to any future discoveries. In European countries there have been acts nationalizing the subsoil, the private owner being under obligation at least to share with the government any mineral wealth he may at any time find.

There is another analogy involved in any consideration of private ownership of the air. That is in connection with navigable rivers. In early times, if a man owned a stream he controlled the stream even to the extent of privately charging toll for passage. But it soon became the rule in this and other countries that so essentially public were streams naturally navigable that on private rights could be held against the public interest. There are now strict laws against bridging, building piers, docks, or other structures over or in navigable streams without specific authority. Pollution of streams is controlled by law and, in general, the public right to such streams is insisted upon.

It has long been recognized that the master of a ship has no exclusive right to a body of water he piles and, by the same token, the pilot of an airplane has no right to the exclusive use of the air he traverses. But, it is urged, both the ship master and the airplane pilot have rights of passage and while they can not claim ownership, no one can bar their way, always provided they do not transgress any existing navigation rules.

The question of the private ownership of the air is not an idle one. It is possible for many lawsuits to arise over it. We are told that the structures of the future will rise to heights now undreamed of. Already the Empire State building in New York city soars 1265 feet into the air and it is conceivable that private property owners might desire to erect structures even higher. If a private land owner on the bank of a navigable stream or a harborside desires to build some structure which will utilize a portion of the bed of the waterway, he must get special authority. In the future, will it be necessary for such an owner to go to Congress for a special act to enable him to raise an edifice into the air above his own property?

The advertising world has developed the most amazing advertising devices. Sky-writing through the agency of airplanes is employed with interesting frequency. But the same token is it not conceivable that some advertising promoter might wish, by some perhaps yet undiscovered device, to anchor an aerial sign possibly 2,000 feet aloft and leave it there more or less permanently? If the doctrine of public rather than private ownership of the air prevails, the person desiring to undertake such an enterprise would have to receive specific authority even though he owned in fee simple the underlying land.

There arises also the nuisance question. The first case in which the airplane nuisance was brought forcibly to the attention of the public was on the occasion of the dedication ceremonies at the Lincoln Memorial at Washington. An airplane pilot, thinking doubtless, to add to the dedication spectacle, stunted over the great concourse of people gathered. At times he swooped so low that the noise of his engines and propellers effectually drowned out the voices of the speakers and frightened the spectators.

Inasmuch as this was a public occasion there was no difficulty experienced in laying down rules against such flying. But supposing a private landowner objected to the droning of airplanes over his property. The question of what redress he has arises. Then, too, there is always the danger of accident. Occasionally one may read in the newspapers of some freak accident, of how a family has been disturbed and, perhaps, injured by an airplane crashing through the house-roof. There is always some danger of tools or other heavy objects falling from passing aircraft and doing damage to persons or property below.

To what extent the owner of private property can deny the right of aircraft to pass over his land is almost sure to be contested in the courts and, indeed, has been in a limited manner.

So new is the question, so scant the legal experience, that it seems a new body of precedents will have to be built up. That the trespass or nuisance question has not been settled seems obvious. In the case of Swetland versus Curtiss Airport Corporation, the circuit court of appeals for the sixth circuit held that the rule of navigable air space laid down in the navigation rules of the secretary of commerce "does not determine the rights of the surface owner either as to trespass or nuisance".

The general rule of the commerce regulations is that safe navigable air space must be regarded as not under 1,000 feet above cities or congested regions nor 500 feet over open country. The court's decision, cited above, would seem to mean that even though airplanes obeyed these rules, the surface owners might have just cause of grievance.

When the interstate commerce laws were passed, when the navigable streams laws were passed, the air was not regarded as a medium of interstate or any other kind of commerce. But that the air has become a medium of world-wide commerce is beyond question. So the sovereignty of the air can scarcely be denied. It is a fascinating fact that 40 years ago, in a case involving interstate commerce rights, the supreme court, apparently in a moment of unusual prescience,

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declared that the doctrine of eminent sovereignty over the paths of interstate commerce "will operate with equal force upon any such new modes of such commerce which the future may develop".

It seems likely that the private land holder will need a loud and authoritative voice to yell successfully to a flier: "Hey, get off my air".

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