evidence has been introduced." The court further states "A person's mental condition may not be such as to make him irresponsible for his acts and yet it may be such as to relieve him from the extreme penalty imposed by the law for the committed act." In a more recent case of *State v. Schilling* (N. J., 1920), 112 A. 400, the New Jersey Supreme Court approved the following charge to the jury: "[If] at the time of doing the act, the evidence shows you that the defendant was so feeble-minded that his faculties were prostrated and rendered him incapable of forming the specific intent to kill with its wilful, deliberate and premeditated character, then although it is no defense or justification, his offense would be murder in the second degree." While these decisions are not in accord with the majority view, they are indicative of a progressive spirit, and have at least refused to shackle a particular case with inflexible tests which can not possibly be appropriate generally. F. E. M., '30.

JUDICIAL NOTICE—LAWS OF ANOTHER STATE.—In a suit in a Missouri Court to have a decree of divorce granted in Illinois declared invalid and to secure separate maintenance, the plaintiff offered evidence of statutes of Illinois to show that the divorce judgment obtained there by publication was void. *Held*, this evidence was inadmissible. "Where the cause of action rests upon the laws of another state, and the same are not merely an evidential part of the cause of action, they must be both pleaded and proved." *Keena v. Keena* (Mo. 1928), 10 S. W. (2d) 344.

At common law, courts of the several states being considered as foreign to one another, are not bound to take judicial notice of the laws of any other state. Statutes of other states are regarded as matters of fact, and when relied on to support a cause of action or defense must be pleaded and proved as other facts. *Fidelity Loan Securities Co. v. Moore* (1919), 280 Mo. 315, 217 S. W. 286. This common doctrine prevailed in Missouri until an act was passed in 1927 providing: "In every action or proceeding wherein the law of another state of the United States of America is pleaded, the courts of this state shall take judicial notice of the public statutes and judicial decisions." In deciding the principal case, the Missouri Court of Appeals apparently disregarded this piece of constructive legislation, for all of the cases cited and relied on by the court were decided prior to the enactment of this statute. It is an unquestioned rule that a court will take judicial notice of the statutes of its own state. *Lyons v. Reinecke* (1926), 10 F. (2d) 3; *Dortch v. Reichel Motor Co.* (Mo. A. 1920), 223 S. W. 675; *Moore v. Clem* (Tex. A. 1927), 295 S. W. 941. Apparently the only excuse the Missouri court can offer for failing to employ the statute in question is the fact that it overlooked it entirely. Had the court heeded this statute, proof would have been unnecessary, for judicial notice is the cognizance of certain facts which judges and jurors already know. *United States v. Hammers* (1917), 241 F. 542. In deciding the principal case without regard to the statute the Missouri court ignored the modern tendency to abandon the cumbersome machinery used in most of the states.

The courts of Massachusetts and Wisconsin are required by statute to take judicial notice of the laws of other states and have applied the statute beneficially. *Holmes v. Dunning* (1927), 260 Mass. 250, 157 N. E. 358; *Owen v. Owen* (1922) 178 Wisc. 609, 190 N. W. 353. In *J. R. Watkins Medical Co. v. Johnson* (1917), 129 Ark. 384, 196 S. W. 465, the court recognized that it was required by statute to take judicial knowledge of the laws of other states and added, "It is our duty to pursue inquiries sufficient to make that knowledge real as far as possible." Possibly the Missouri statute would be more effective minus the requirement that the foreign law must be "pleaded." To avail himself of the public laws of Missouri, a plaintiff only need state the facts which bring his case within the statutory provisions. *Bowen v. The Missouri Pacific Railway Co.* (1893), 118 Mo. 541, 24 S. W. 436. Perhaps this is the apex toward which state legislatures are gradually tending. Since utter disregard for a state statute is hardly excusable, the decision in the principal case seems clearly to be erroneous, for it can be justified only according to the common law rule which the 1927 act certainly changed in part. J. J. C., '30.

MUNICIPAL CORPORATIONS — ESTABLISHING AIRPORT AS PUBLIC AND MUNICIPAL PURPOSE.—Plaintiff brought suit to restrain the City of St. Louis and its officials from issuing and delivering bonds for the purpose of utilizing proceeds in the acquisition and development of land for an airport. *Held*, that establishment of an airport was a public and municipal purpose and within the power of the city. *Dysart v. City of St. Louis* (Mo., 1928), 11 S. W. (2d) 1045.

It is a well-established principle of constitutional law that an attempt to raise money for private purposes is unconstitutional. Various tests for ascertainment of a public purpose have been advanced, but that generally used is: "The proceeds of the tax must be used for the support of the government or for some of the recognized objects of government or directly to promote the welfare of the community." *State v. Orear* (1919), 277 Mo. 303, 210 S. W. 392; *Halbruegger v. St. Louis* (1924), 302 Mo. 573, 262 S. W. 379. The application of this test or any appropriate test to the establishment of an airport is limited to a very few cases by the novelty of such action by cities. The decisions in these cases have consistently been to decide such action to be within the power of the municipality. *City of Wichita v. Clapp* (1928), 125 Kan. 100, 263 P. 12; *State ex rel City of Lincoln v. Johnson* (Neb., 1928), 220 N. W. 273; *State ex rel Hill v. City of Cleveland* (Ohio, 1927), 160 N. E. 241. These opinions have cited two principal reasons for their holdings: that they benefit the particular community through facilitating air commerce, and that they afford to every citizen an opportunity of direct utilization.

There can be little doubt that the acquisition of land for a public park is a public purpose, but the question of a proper park use has required a number of adjudications by the courts. A tourist camp has been held a proper park use. *State ex rel. Dodge City* (1927), 123 Kan. 316, 255 P.