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Confirming Coming of Hon. William L. Ranson

North Dakota Law Review Associate Editors'

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have the requisite intent, where intent is an element of the act, he may be excused. One of the grounds for such excuse is the fact of mental disease or defect of such character that he could not entertain the intent. The chief difficulty, however, is to establish criteria by means of which we may be able to judge, with reasonable certainty, whether or not he was suffering from such a mental disorder.

The "right and wrong" test, as laid down in the famous M'Naghten case, which makes lack of ability to distinguish right and wrong the test of insanity, is not a satisfactory test. Such ability is not even an important factor in deciding a question of mental disease. Many persons regarded as sane by medical men have at best vague right and wrong concepts, and many persons who are clearly insane have keen perception of right and wrong.

The delusion test is unsound because it proceeds upon the basis that the delusion is separated from the rest of the mental faculties; whereas in fact it colors the whole of the mental processes, judgments, and conceptions of right and wrong. This "test is not practical, just or certain."

"The law unaided, or aided as it is by the opinion of experts in courts bound and limited by the rules of evidence, is not competent to decide matters of insanity." It should seek the aid of the medical sciences, and it should try to keep its tests of insanity abreast with the developments in these sciences of human disease and behavior. Mere abnormality is not necessarily insanity or even evidence of insanity such as should be the basis of excuse for the violation of the criminal law.

The criteria of insanity should be those of medical insanity, and the determination of the question should not be left to a jury but should be dealt with by committing the person who pleads insanity to an institution at once. In such an institution he should be under the surveillance and observation of a commission of three experts, experienced in mental medicine, with the task before them of determining the issue of his sanity. This commission should report fully to the court its findings as to insanity at the time of the commission of the crime and as to insanity at the time of the examination. The commission, of course, should be open to cross-examination, but it should not be required to give an iron-clad definition of insanity. Such a report would carry tremendous weight. It would be concrete and definite; it would carry a presumption of scientific and impartial observation and report; it would enable the physicians to act as friends of the court. The general result of such a procedure would be the rationalization of the inquest of insanity, and would conduce to findings which would be, to a high degree, in conformity with the truth.—D. J. McCarthy, M. D., University of Pennsylvania, LeRoy M. A. Meader, M. D., LL. B., Pennsylvania Mental Hygiene Committee.

CONFIRMING COMING OF HON. WILLIAM L. RANSON

President Hildreth announces that definite assurance has been received from Hon. William L. Ranson, President of the American Bar Association, that he will deliver an address at our annual meeting to be held at Fargo on August 10th and 11th.