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Encroachment of Social Agencies Upon Functions of the Courts,  
Natural Law Conference, Red Mass in Chicago**

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## NEWS NOTES

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### **Sacred Roman Rota Is Streamlined By Pope's New Decree**

*(From The Register, Denver, Colo., Nov. 28, 1954)*

VATICAN CITY.—The work of the Sacred Roman Rota, best known as a court of appeal from diocesan courts in matrimonial cases, has been streamlined by Pius XII.

The tribunal will cease to be a court of intermediate or second appeal, as provided under Canon Law (c. 1599). This will make it possible for the high tribunal to work more rapidly on the cases that come to it from the world at large.

Ordinarily, a marriage case is presented first to a diocesan court. The decision is then passed on to its normal court of second instance. If the decision of this second court upholds that of the first, or local court, there is normally no further recourse. If, however, the second court does not agree with the first, the case may come to the Rota for appeal of sentence or judgment. The Rota decision is usually final.

In recent years it has become the habit of many dioceses in Italy to use the Rota also as a court of second instance. It has now been directed that Rome shall set up its own tribunal of second instance and that other Italian dioceses shall use their proper tribunals of appeal before coming to the Rota. Two U.S. priests, Monsignors Francis J. Brennan of Philadelphia and William J. Doheny, formerly of the faculty of Notre Dame, serve on the Rota's board of 15 judges.

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### **California D.A. Names More Nuns in Lottery Charges**

*(From the Courier-Journal, Rochester, New York, Dec. 3, 1954)*

MERCED, CAL. — (NC) — District Attorney Don C. Mayes filed lottery charges against three more Sisters and a 12-year-old student of Our Lady of Mercy School here—and then quickly had the charges dismissed.

The complaints against the nuns—alleging violations of the State's lottery laws and contributing to the delinquency of a minor—were virtually identical with those filed against the principal of the school—Sister Mary Peter.

The subsequent dismissal of the charges was interpreted as a move on Mr. Mayes' part to try to force the three Religious to testify in the case against Sister Peter. At a preliminary hearing in the case, the three Sisters had refused to testify, invoking the Fifth Amendment which provides that no one may be compelled to be a witness against himself.

Observers said the District Attorney may have acted on the theory that since they had been accused once and the charges dismissed the "double jeopardy" guarantee would bar their being accused again on the same charges; thus they could no longer invoke the Fifth Amendment for immunity. Legal experts said however that mere charges would not constitute putting the Sisters in "jeopardy"—that the case would have to come to trial for the argument to be valid.

The Merced Justice Court has thrown out for lack of evidence, Mr. Mayes' charges that Sister Mary Peter, the principal, contributed to the delinquency of a minor.

The District Attorney has filed a notice of his intention to appeal the dismissal to the Superior Court. He said the Judge erred in rulings.

The nuns newly-named in the case are: Sisters John Michael, Mary Loraine and Mary Edward. The boy is Billy Guedet, a student at the school.

Mr. Mayes started his court action, he said, after being approached by the boy selling tickets on a building fund for the construction of La Casa de Maria Retreat House in Santa Barbara, California.

The tickets called for donations of \$1 each for prizes, including two 1955 model cars.

The charge still pending against Sister Mary Peter, the principal, is that she violated the state lottery law. Her attorney, C. Ray Robinson, has indicated that the nun will plead not guilty. No date has been set for the trial.

Mr. Mayes had said earlier that he felt the law had been broken and he sought only to enforce it. He said he was not attempting to single out any one organization in his court action.

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### **Decry Encroachment of Social Agencies Upon Functions of the Courts**

*(From The Catholic Standard and Times, Philadelphia, Pa., Nov. 19, 1954)*

Efforts of several groups in social welfare to take over what they call the executive functions of the Juvenile and Domestic Relations Courts were decried in a strongly worded editorial in the October issue of "The Catholic Charities Review."

"They want these services provided by an over-all community-wide public agency. It would be a civilian agency. But, of course, it would have to enter into many delicate problems of family life. It should therefore have the backing of the courts, but if it receives any backing from the courts, it must be on its own terms. It must be in a position to call the shots. It wants governmental dealings with juvenile delinquency placed on a purely administrative basis. Then, we might ask, 'How about the rights of families and of children?' What right does a civilian agent of the government have to enter into the care of children? Is not this fundamentally a judicial problem?

"We recognize that the courts need to be implemented by social facts and social situations but as we understand the independence of the judiciary, it calls for the use of these facts at the discretion of the judge. He represents the people in this field. He is the protector of the rights of the people but he takes into account certain social facts in dealing with them. He tries to deal with family and children situations on the basis of his knowledge of all the social facts.

"Then we come to the eternal question as to what is the best method of making the social facts available to him. Can this be done most effectively by an outside civilian agency or by a staff that is part and parcel of the court? Does not this latter offer the better approach in the long run? In our judgment there is a better chance of developing a social point of view in the courts through their own personnel than through outside people who represent a constant threat to the independence of the courts."

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### **Natural Law Conference**

The Second Annual Conference on the Natural Law, sponsored by the Guild of Catholic Lawyers of New York, was held on December 4, 1954 at the Association of the Bar of the City of New York. The general topic under consideration was "The Natural Law and The Family." Speakers and their topics were: Dr. Heinrich Rommen of the Georgetown University faculty — "The Natural Law, Man and Society;" Dr. Brendan F. Brown, former Dean of the School of Law, Catholic University of America—"The Natural Law, The Marriage Bond and Divorce;" Dr. James V. Mullaney of the Manhattan College faculty — "The Natural Law, The Family and Education;" and Dr. Friedrich Baerwald of the Fordham University faculty — "The Natural Law and The Family as an Economic Unit."

The speeches will appear in the March, 1955 issue of the Fordham Law Review.

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### **Red Mass in Chicago**

One of the highlights of the Seventy-seventh Annual Meeting of the American Bar Association in Chicago was the Red Mass. The Mass was celebrated on Sunday, August 15, 1954, at 10:00 A.M. in Holy Name Cathedral, Chicago. Following the Mass, His Eminence Samuel Cardinal Stritch addressed the large gathering of lawyers from all over the country at the breakfast sponsored by the Catholic Lawyers Guild of Chicago.