

THE RELIGIOUS CLAUSES IN THE UNITED STATES CONSTITUTIONS

BRENDAN SULLIVAN, O.P.

CHAPTER II

THE REVOLUTIONARY STATE CONSTITUTIONS



URING THE REVOLUTION the colonies with the exception of Rhode Island and Connecticut drafted new Constitutions. All these documents contained clauses establishing religious liberty, but in every case except Virginia other articles were inserted restricting these clauses.¹ The study of these constitutions provoked the remark from Dr. Webster that, "in studying the relationship between church and state under the revolutionary constitutions, one is impressed with the striking contrast between fact and pretension."²

The new constitutions changed the relationship between the church and state in all colonies. In some the change was radical, as in Virginia; in others it was barely noticeable, as in Massachusetts and New Hampshire. Connecticut continuing to be ruled by its charter made no attempt to disestablish the Congregational church. While Rhode Island, although drafting no new form of government, repealed the laws disenfranchising Catholics.³

In every state debates and arguments ensued over the value of religious freedom. These debates along with the statutes enacted indicate the progress that toleration had made since the founding of the colonies. It will be helpful for our purpose to look into the legislation concerning religion enacted by the States.

The constitutions adopted by Massachusetts in 1780 effected practically no change in the standing order. Congregationalism remained the favored denomination. Dissenting Protestants found it most difficult to obtain toleration, while Catholics could not accept the provision of the oath required for civil office.⁴

¹ Thorning, *op. cit.* p. 25.

² *Ibid.*

³ John Fiske, *The Critical Period*

of American History, 1783-1789, Boston and New York, 1916, p. 77.

⁴ Poore, *op. cit.* Vol. I, pp. 956-973.

The constitution contained a bill of rights, the third article of which gave religion a civil status. This article read: "As the happiness of a people, and the good order and preservation of civil government, essentially depends upon piety, religion and morality; and as these cannot be generally diffused through a community, but by the institution of the public worship of God, and of public institutions in piety, religion and morality;"

"Therefore to promote their happiness, and to secure the good order and preservation of their government, the people of this commonweal have a right to invest their legislature with power to authorize and require the several parishes, precincts and other bodies politic, or religious society, to make suitable provision, at their own expence, for the institution of the public worship of God, and for the support and maintainance of public Protestant teachers of piety, religion and morality, in all cases where such provision shall not be made voluntarily."

"All the people of the commonwealth have also a right to, and do invest their legislature with authority, to enjoin upon all subjects, and attendance upon instruction of the public teachers, as aforesaid, at stated times and seasons, if there be anyone whose instructions they can conscientiously and conveniently attend."⁵

At this time the government of Massachusetts and the Congregational church were nearly synonymous terms. So although the constitution did not explicitly recognize any denomination as the state church, implicitly it favored Congregationalism. The dissenters were forced to wage a hard battle to secure exemption on account of the interpretation which the courts placed on the paragraph regulating that, "all moneys, paid by the subject, to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of his own religious sect or denomination, provided there be any, on whose instruction he attends, otherwise it may be paid towards the support of the teacher or teachers of the parish, or the precinct in which said moneys are raised."⁶ As officially interpreted this clause allowed non-congregationalists to apply rates to their own churches, provided one was situated in the locality; otherwise the standing order received all taxes collected for the support of religion.⁷ In a considerable number of districts the dissenters were too few to support a church of their own. So they became victims of illiberal judicial decisions.⁸

⁵ *Ibid.* Vol. I, pp. 957-958.

⁶ Poore, *op. cit.* Vol. I, p. 958.

⁷ Thorning, *op. cit.* p. 23.

⁸ *Ibid.* p. 35

The third article of the bill of rights received much attention in the convention. It caused long and candid debates.⁹ The same treatment was accorded it when the constitution came before the town meetings. The non-conformists, especially the Baptists, lined up with the liberals to reject the constitution for the reason that it gave the civil power control over religion. The ruling Calvinistic class defended such a grant of power. Both sides strove to show the reasonableness of their stand by numerous speeches, petitions and newspaper articles. Although the constitution was ratified by a two to one majority, the fact that the constitution had to be accepted in its entirety or not at all served as a great help to the defenders of the state church. Had each article been voted on separately, the standing order might have experienced trouble retaining its pre-revolutionary status.¹⁰

CONNECTICUT

Connecticut, after the separation from England, let its charter remain the fundamental law of the state. The non-conformists under the leadership of the two prominent Baptists, Isaac Backus and Israel Holly, forced the legislature of 1784 to pass the "Act for Securing the Rights of Conscience."¹¹

The act provided: "no persons professing the Christian religion, who soberly dissent from worship and ministry established by law, and attend worship by themselves, shall incur a penalty by not attending the established worship. That Christians of other denominations, who attend and help maintain worship according to their conscience shall not be taxed for the support of other worship; that those who do not belong to any other society are to be taxed for the support of the state-church; and that all Protestants shall have liberty to use the same power for maintaining their respective societies as belongs to societies established by law."¹²

Although this act exempted dissenters whose certificate was accepted, from payment of tithes to the state-church, it legislated that all non-conformists who could not fulfill the conditions required for exemption, were to be considered Congregationalists, though they might be Unitarians, Deists or Atheists.¹³

The judgment concerning the validity of the certificate belonged to the civil courts. The Congregational judges generally settled doubts in favor of the standing order. So the toleration proposed by the

⁹ *Ibid.* p. 28.

¹⁰ Cushing, Harry Alonze, pp. 266-268.

¹¹ Thorning, *op. cit.* p. 96.

¹² Humphrey, *op. cit.* p. 496.

¹³ Purcell, *op. cit.*

wording of the law became most limited in practice.¹⁴

NEW HAMPSHIRE

On account of the existing chaos the New Hampshire state constitution of 1776 disregarded religious legislation. The constitution submitted in 1779, but not accepted, proclaimed in the fifth article of the declaration of rights: "The future legislation of this state, shall make no laws to infringe the rights of conscience or any other of the natural, unalienable Rights of Men, or contrary to the laws of God, or against the Protestant religion."¹⁵

It also made the profession of Protestantism one of the requirements for suffrage. Although rejected the constitution indicates that its framers considered freedom of conscience a right due only to Protestants.¹⁶

The constitution of 1748, the one accepted, contained a bill of rights. By the force of the sixth article the colonial law making the church a town institution, and its support a matter of public tax, remained unchanged. It also discriminated in favor of the Protestant religion. The legislature being empowered "to authorize from time to time, the several towns, parishes, bodies coöperate or religious societies within this state to make adequate provision, at their own expense, for the support and maintainance of public Protestant teachers of piety, religion and morality.

"Provided, notwithstanding, that the several towns, parishes, bodies coöperate, or religious societies shall at all times have the exclusive right of electing their own public teachers, and of contracting with them for their support and maintainance. And no persons of any one particular sect or denomination shall ever be compelled to pay towards the support of the teacher or teachers of another persuasion, sect or denomination."¹⁷

The Congregationalists dominated the towns. So it remained the official church. In most towns the non-conformists, unable to support a church of their own, saw their taxes given to the town Congregational church.¹⁸ McMaster commenting on the religious legislation of the constitution said: "Against such restrictions not a voice seems to have been lifted."¹⁹ William Plummer, a notable exception to McMaster's conclusion, campaigned to extend religious freedom to all

¹⁴ *Ibid.*

¹⁵ Poore, *op. cit.* Vol. II, p. 1281.

¹⁶ Thorning, *op. cit.* p. 148.

¹⁷ Poore, *op. cit.* Vol. II, p. 1281.

¹⁸ George Barstow, *History of New Hampshire*, Boston, 1853, p. 424.

¹⁹ Thorning, *op. cit.* p. 155.

people. Other protests against the intolerance of the sixth article found expression in the town meetings.²⁰

THE MIDDLE COLONIES

NEW YORK

In the Middle Colonies only New York had to disestablish the Church. The constitution of 1777 abrogated all laws and parts of laws common or statute which, "might be construed to establish or maintain any particular denomination of Christians and their ministers."²¹ It guaranteed, "the free exercise and enjoyment of religious profession and worship without discrimination of preferences, shall forever hereafter be allowed within this state to all mankind."²²

The legislature of 1784 dealt the final blow to the Anglican church by repealing the "Settling Act" of 1693, and all subsequent acts, "which do grant certain emoluments and privileges to the Episcopal church."²³

Despite its high sounding doctrine of toleration, the state of New York qualified its asserted religious liberty. The most prolonged debate of the convention concerned the question of religious toleration. John Jay led the opposition fighting against the doctrine allowing freedom to all religious professions.²⁴ Jay demanded an explicit statement denying both the civil and spiritual authority of the Pope over the Roman Catholics. The various amendments proposed by Jay resulted in a proviso to the effect that the liberty of conscience thereby granted shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the safety of the State."²⁵

When the question of naturalization came up for discussion Jay once more displayed his distrust for the Catholic doctrine commanding allegiance to the Pope. Failing to secure his stringent amendment, was responsible for making persons naturalized by the state, "abjure and renounce all allegiance to all and every foreign king, prince, potentate and state in all matters ecclesiastical as well as civil."²⁶

NEW JERSEY

New Jersey drafted its constitution in 1776. The eighteenth article decreed: "That no person shall ever within this colony be de-

²⁰ Thorning, pp. 151-157.

²¹ Poore, *op. cit.* Vol. II, p. 1338.

²² *Ibid.* p. 1338.

²³ Cobb, *op. cit.* p. 502.

²⁴ George Pellow, *John Jay, in American Statesmen*, New York, 1890.

²⁵ *Journals of Provincial Congress*, I, p. 860.

²⁶ *Ibid.* p. 864.

prived of the inestimable privileges of worshipping Almighty God in a manner agreeable to the dictates of his own conscience; nor, under any pretense whatsoever, be compelled to attend any place of worship contrary to his own faith and judgment; nor shall any person, within this colony, ever be obliged to pay tithes, taxes, or any rates, for the purpose of building or repairing any other church or churches, place or places of worship, or on the maintainance of any minister or ministry, contrary to what he believes to be right, or has voluntarily engaged himself to perform."²⁷

The nineteenth article qualified this liberty by limiting offices to "all persons professing a belief in the faith of any Protestant sect, who shall demean themselves peaceably under the government, as hereby established, shall be capable of being elected into any office of profit or trust, or being a member of either branch of the legislature, and shall fully and freely enjoy, every privilege and immunity, enjoyed by others, their fellow subjects."²⁸

PENNSYLVANIA

The constitution adopted by Pennsylvania in 1776 contained a bill of rights, the second article of which read: "That all men having natural and inalienable right to worship Almighty God according to the dictates of their own consciences and understanding: And that no man ought or of right can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any ministry contrary to, or against, his own free will and consent; Nor can any man, who acknowledges the being of God, be justly deprived of any civil rights as a citizen, on account of his own religious fundaments or peculiar mode of religious worship; And that no authority can or ought to be invested in or assumed by any power whatsoever, that shall in any case interfere with, or in any manner control, the right of conscience in the free exercise of religious worship."²⁹

Although denying all civil interference with worship and public taxation of religion the constitution formally restricted civil rights to persons "who acknowledge the being of God."³⁰ The oath for office holders prohibited freedom of conscience. It read: "I do believe in one God, the Creator and Governor of the Universe, the rewarder of the good and the punisher of the wicked; and I do acknowledge the Scriptures of the Old and New Testaments to be given by divine inspiration."³¹

²⁷ Poore, *op. cit.* Vol. II, p. 1313.

²⁸ *Ibid.* p. 1313.

²⁹ *Ibid.* p. 1341; Vol. II.

³⁰ Baird, *op. cit.* p. 249.

³¹ Poore, *op. cit.* Vol. II, p. 1543.

DELAWARE

The Delaware constitution of 1776 legislated that, "all persons professing the Christian religion ought forever to enjoy equal rights and privileges."³² The twenty-ninth article, after prohibiting "the establishment of any one religious sect in this state in preference to another," then went on to say that "no clergyman or preacher of the Gospel, of any denomination shall be capable of holding any civil office in this state, or of being a member of either of the branches of the legislature, while they continued in the exercise of the pastoral function."³³

The oath of office requiring a declaration of faith in the doctrine of the Trinity and the divine inspiration of the Scriptures with the prohibition to clergymen and preachers of the right to hold civil offices stained the otherwise liberal constitution.³⁴

SOUTHERN COLONIES

VIRGINIA

Of the Southern Colonies Virginia furnished by far the most interesting study in religious legislation. In drawing up the new constitution, Virginia found it impossible not to face squarely the question of establishment and liberty. The persecution of non-conformists,³⁵ the strong official support of the established order, the bitter hatred of the dissenters toward the official church, the lax morals of the Anglican clergy, the indifferentism of most Anglicans, who formed the small minority of the people, were the principal reasons why ecclesiastical questions occupied so prominent a place in the state convention of 1776.³⁶

The desire of the Presbyterians for a civil law to provide for the maintenance of religion injected another peculiar factor into Virginia's difficulties. The desire having been presented to the legislature occasioned no little discussion. As a result of so definite a presentation the problem received a clear and definite solution.³⁷

The convention of 1776 after debating on the many petitions demanding relief from the burdens of conscience and worship,³⁸ adopted the bill of rights. The sixteenth section of the bill declared: "That religion, or that duty that we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction and not by force or violence: and therefore (that all men should

³² Humphrey, *op. cit.* p. 491.

³³ Poore, *op. cit.* Vol. I, pp. 277-278.

³⁴ Poore, *op. cit.* Vol. I, p. 276.

³⁵ Cobb, *op. cit.* p. 490.

³⁶ *Ibid.* pp. 483-484.

³⁷ *Ibid.* p. 484.

³⁸ *Ibid.* p. 490, quoting Hawks, *op. cit.* p. 139.

enjoy the fullest toleration in the exercise of religion according to the dictates of conscience unpunished and unrestrained by the magistrate, unless under the color of religion any man disturbed the peace, the happiness, or the safety of society; and), that it is the mutual duty of all to practice christian forbearance, love, and charity toward one another."³⁹

Madison objected to the part enclosed by brackets claiming that there was a "dangerous implication" in the word *toleration* as well as in the clause referring to the magistrate. Madison argued: "toleration belonged to a system where there was an established religion and where a certain liberty of worship was granted not of a right but of grace; while the interposition of the magistrate might but annul the grant."⁴⁰ Madison succeeded in having the article amended so as to read: "That the religion and the duty which we owe to our Creator and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience and that it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other."⁴¹

The Virginia legislature gave partial effect to the act by exempting dissenters from the support of the established church, as well as by repealing the laws making absence from worship and the profession of heresy a crime.⁴² The legislature also suspended the law which fixed the salary of the clergy. Each successive session until 1779 repeated this act.⁴³

Such action did not pass unchallenged. From 1776 until 1779 some representatives argued for a law requiring everyone to support the pastor of his church. Their proposal suffered defeat in 1779, and doomed the establishment of the Anglican church.⁴⁴ It lingered on until completely disestablished by the Declaratory Act of 1785.⁴⁵

The events leading up to the passage of the Declaratory Act indicate the attitude of the popular mind with regard to the question of the relation between church and state. In 1794 a law passed dissolving all vestries as related to the state, leaving to the church the entire regulation of its own affairs.⁴⁶ At the time of the passage of this statute the legislature was flooded with petitions. Some urged a provision for the support of religious worship and teachers of religion;

³⁹ Hening, *op. cit.* Vol. IX, p. 111.

⁴⁰ Rives, *op. cit.* Vol. I, p. 140.

⁴¹ Poore, *op. cit.* Vol. II, p. 1909.

⁴² Hening, *op. cit.* Vol. IX, p. 164.

⁴³ *Ibid.* pp. 312, 369, 579.

⁴⁴ Baird, *op. cit.* p. 221.

⁴⁵ Cobb, *op. cit.* p. 494-495.

⁴⁶ Hening, *op. cit.* Vol. IX, p. 536.

others opposed the giving of support to any religion whatsoever.⁴⁷

The legislature sent these petitions which brought in a bill for the support of the teachers of the Christian religion. The bill received the support of Washington, Henry, R. H. Lee and Marshall.⁴⁸ Its two chief opponents were Madison and Jefferson. The legislature voted to postpone the bill until the Fall session of 1785.⁴⁹

In the interim the bill was printed and circulated in order to give the people a chance to express their opinion. Debates aplenty were occasioned by the bill. In the midst of the discussions Madison appealed to the people in his "Memorial and Remonstrance against Religious Assesments." In this plea he urged on the basis of the bill of rights that religion did not come into the cognizance of the government. Madison's pamphlet was distributed among the people for signatures. Returns showed an overwhelming majority in favor of Madison's plan. The response caused the legislature to abandon the bill.⁵⁰ The success of Madison's campaign encouraged the opponents of the measure. Not content with winning a negative victory, they proceeded to wipe out all vestiges of the establishment. This was accomplished by the passage of the Declaratory Act in October of 1785. The statute, drawn up by Jefferson and advocated by Madison, was entitled: "An Act of Establishing Religious Freedom."⁵¹ It is rightly considered one of the greatest chapters in the history of human liberty.

The first section of the act dwelt on the injustice and immorality of all interference by the civil government with the religion of the individual and of all civil regulations of ecclesiastical affairs, as contrary to the spirit of Christianity and its Author. After the exposition of these principles the second section proceeds: "We, the General Assembly of Virginia, do enact that no man shall be compelled to frequent or support any religious worship, place or ministry whatever; nor shall be enforced, restrained, molested or burdened in his body or goods, nor shall otherwise suffer on account of his religious opinion or belief, but that all men shall be free to profess and by argument to maintain their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or effect their civil capacity."⁵²

MARYLAND

Maryland in the declaration of rights to its constitution of 1776

⁴⁷ Rives, *op. cit.* Vol. I, pp. 461-633.

⁴⁸ Cobb, *op. cit.* p. 495.

⁴⁹ Humphrey, *op. cit.* p. 394.

⁵⁰ *Ibid.* pp. 394-398.

⁵¹ Hening, *op. cit.* Vol. XII pp. 84-86.

⁵² Hening, pp. 84-86.

legislated: "That, as it is the duty of every man to worship God in such manner as he thinks most acceptable to Him; all persons, professing the Christian religion, are equally entitled to protection in their religious liberty; wherefore no person ought by any law to be molested in his person or estate on account of his religious persuasion or profession, or for his religious practice; unless, under color of religion, any man shall disturb the good order, peace, or safety of the state, or shall infringe the laws of morality, or injure others, in their natural, civil or religious rights; nor ought any person be compelled to frequent or maintain, or contribute, unless on contract, to maintain any particular place of worship, or any particular ministry; yet the legislature may in their discretion, lay a general and equal tax for the support of the Christian religion; leaving to each individual the power of appointing the payment of the money; collected from him, to the support of any particular place of worship or ministry, or for the benefit of the poor of his own denomination or the poor in general of any particular county."⁵³

By the force of this article all Christian religions, even the Roman Catholic, stood on equal footing.

The oath for office holders limited religious liberty. It read: "I, A. B., do swear, that I do not hold myself bound in allegiance to the king of Great Britain, and that, I will be faithful, and bear true allegiance to the state of Maryland; and shall so subscribe a declaration of his belief and his Christian religion."⁵⁴

NORTH CAROLINA

The constitution of North Carolina drafted in 1776 favored Protestantism. The thirty-second article proclaimed: "No man who shall deny the being of God or the Truth of the Protestant religion, or the divine authority of either the Old or the New Testament, or shall hold religious opinions incompatible with the freedom or safety of the state shall be capable of holding any office or place of trust in the civil government of this state."⁵⁵

The nineteenth article of the declaration of rights allowed freedom of worship. It was worded: "All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences."⁵⁶

SOUTH CAROLINA

In South Carolina the constitution of 1778 although disestablish-

⁵³ Poore, *op. cit.* Vol. I, p. 819.

⁵⁴ *Ibid.* p. 828.

⁵⁵ *Ibid.* Vol. II, p. 1413.

⁵⁶ Poore, *op. cit.* Vol. II, p. 1410.

ing the Anglican church, strongly favored the Protestant religion. In the thirty-eighth chapter we read: "That all persons and religious societies, who acknowledge that there is one God and a future state of reward or punishment and that God is publicly to be worshipped, shall be freely tolerated. The Christian Protestant religion shall be deemed and is hereby constituted and declared to be the established religion of this state. That all denominations of Christian Protestants demeaning themselves peaceably and faithfully shall enjoy equal religious and civil privileges."⁵⁷ In regard to paying tax for church support the constitution ordained: "No person shall by law be obliged to pay towards the maintainance and support of religious worship, that he does not freely join in or has not voluntarily engaged to support."⁵⁸

The constitution also directed the legislature to "choose by ballot from among themselves, or from the people at large, a governor, and a commander-in-chief, a lieutenant-governor, and privy council, all of the Protestant religion."⁵⁹ Another statute enacted that no person shall be eligible for a seat in the legislature "unless he be of the Protestant religion."⁶⁰

Provision was also made for incorporating, maintainance and government of such "societies of christian protestants" that would agree to, and subscribe in a book to the five following articles:

"First, that there is one eternal God, and a future state of reward and punishment.

"Second, that God is to be publicly worshipped.

"Third, that the christian religion is the true religion.

"Fourth, that the Holy Scriptures of the Old Testament and the New are of divine inspiration, and are of the rule of faith and practice.

"Fifth, that it is lawful, and the duty of every man, being thereunto called by those who govern, to bear witness to the truth."⁶¹

The document also proclaimed: "That to give the state sufficient security for the discharge of the pastoral office, no person shall officiate as minister of any established church who shall not have been chosen by a majority of the society to which he shall minister, nor till he shall have made and subscribed to the following

⁵⁷ *Ibid.* p. 1626.

⁵⁸ *Ibid.* p. 1627.

⁵⁹ *Ibid.* p. 1621.

⁶⁰ Poore, *op. cit.* 1622-1623.

⁶¹ *Ibid.* p. 1626.

declaration, over and above the aforesaid five articles: viz., That he is determined, by God's grace, out of Holy Scriptures to instruct the people committed to his charge, and to teach nothing as required of necessity to eternal salvation but that which he shall be persuaded may be concluded and proved from the Scriptures: that he will use both public and private admonitions, as well to the sick as the whole within his care; as need shall require and occasion be given; that he will be diligent in prayer and in the reading of the Holy Scriptures, and in such studies as help to the knowledge of the same; that he will be diligent to frame and fashion his own self and his family according to the doctrine of Christ, and to make both himself and them, as much as in him lies, wholesome examples and patterns of the flock of Christ; that he will maintain and set forward, as much as he can, quietness, peace and love among all people, and especially among those committed to his charge."⁶²

GEORGIA

Freedom of conscience was guaranteed by the constitution adopted by Georgia in 1777. The fifty-sixth article declares: "All persons whatever shall have the full exercise of their religion; provided it be not repugnant to the peace and safety of the state; and shall not, unless by consent, support any teacher or teachers except those of their own profession."⁶³

The freedom granted was limited by the sixth article which required that representatives "shall be of the protestant religion."⁶⁴ A further restriction came from article sixty-two reading: "No clergyman of any denomination shall be allowed a seat in the legislature."⁶⁵

When the union of the United States was formed, only two states had granted full and perfect freedom, namely: Virginia and Rhode Island. Six of the states: New Hampshire, Connecticut, New Jersey, North Carolina, South Carolina and Georgia insisted on protestantism: Delaware and Maryland demanded the Christian religion. Pennsylvania, Delaware, North Carolina and South Carolina required assent to the divine inspiration of Holy Writ. Belief in Heaven and Hell was required in Pennsylvania and South Carolina. Ministers were excluded from civil offices in New York, South Carolina, and Georgia. Pennsylvania and South Carolina emphasized belief in one eternal God.⁶⁶

⁶² Poore, *op. cit.* p. 1627.

⁶³ *Ibid.* Vol. I, p. 383.

⁶⁴ *Ibid.* p. 279.

⁶⁵ *Ibid.* p. 383.

⁶⁶ Cobb, *op. cit.* p. 507.

✠ THE REVEREND EDWARD LEO SPENCE, O.P. ✠

On June 25, 1949, Father Spence died in Mary Immaculata Hospital, Lebanon, Kentucky. His final illness was the culmination of several years of failing health, borne patiently by Father Spence. The last rites were administered by the Very Rev. J. B. Briggs, O.P., Prior of St. Rose, Springfield, Kentucky.

Born in Donegal, Ireland, December 6, 1874, Father Spence was one of the seven children of William and Mary (Timony) Spence. His early education was acquired in the national school in Ireland and the public schools of New York City, after his parents had emigrated there. Upon completion of high school in New York Father Spence was employed for a short time as a secretary in the Netherlands' consulate. He received the Dominican habit at St. Rose Priory on November 16, 1897, and made profession there a year later. At St. Joseph's Priory, Somerset, Ohio, he studied philosophy and theology, and was ordained priest in St. Joseph's Church on August 2, 1903, by the Most Reverend Henry Moeller, Bishop of Columbus.

Father Spence's first assignment was as professor at St. Patrick's College, Columbus, Ohio, from 1905 to 1910. The remaining thirty years of his active career were spent faithfully laboring with priestly devotion in the following parishes of St. Joseph's Province: St. Mary's, New Haven, 1910-1911; St. Vincent Ferrer's, New York City, 1911-1920; St. Peter's, Memphis, 1920-1921; St. Antoninus', Newark, 1921-1931; Sacred Heart, Jersey City, 1931-1936; Holy Name, Philadelphia, 1936-1939; St. Raymond's, Providence, 1939-1941. After leaving St. Raymond's Father Spence retired from the active ministry to St. Rose Priory, where, despite his poor health, he edified the novices by his fidelity to the regular life.

At St. Rose Church the funeral rites for Father Spence were held on June 29. The Solemn Requiem Mass was celebrated by Father Briggs, assisted by the Rev. J. R. Caien, O.P., deacon, and the Rev. C. P. Wilson, O.P., subdeacon. The eulogy was preached by the Very Rev. J. A. Foley, O.P., prior of St. Louis Bertrand Priory, Louisville, Kentucky. The final absolution and rites of interment were also conducted by Father Briggs.

Dominicana extends sympathy to the relatives and friends of Father Spence. *May he rest in peace.*

✠ REVEREND JAMES GERARD O'DONNELL, O.P. ✠

At St. Clare's Hospital, New York City, Father O'Donnell died on August 20, 1949, after a long illness which had forced him to return from his mission post in China in 1948.

In Charlestown, Mass., on January 18, 1896, Father O'Donnell was born to Thomas J. and Mary Anne (Stack) O'Donnell; he was one of nine children, four of whom became Dominican religious—Father O'Donnell and three sisters. He attended St. Francis de Sales parochial school, Boston College Prep and Boston College. On September 15, 1916, he received the Dominican habit at St. Joseph's Priory, Somerset, Ohio, where he also made his first profession on September 16 of the following year.

After studying philosophy at St. Rose Priory, Springfield, Ky., and theology at the House of Studies, Washington, D. C., Father O'Donnell was ordained priest in St. Dominic's Church, Washington, on June 14, 1923. His first assignment, in 1924, sent him to join the first foreign mission band of St. Joseph's Province, at Foochow, China. For four years, until a communist insurrection put a halt to the work, Father O'Donnell strove for the establishment of the mission. He returned to America in 1928 and taught at Purcell High School, Cincinnati, at the same time acting as chaplain to the Dominican nuns of Holy Name Monastery there. Returning to the Chinese missions in 1929, Father O'Donnell remained there until 1941, laboring zealously amid the turmoil of the Chino-Japanese war. The outbreak of war between America and Japan in 1941 again put an end to his missionary endeavors. From 1941 to 1947 he devoted his energies to the parochial ministry in St. Catherine's Parish, New York City. Eager to resume the work of the mission, Father O'Donnell returned to China in 1947. Ill health, however, put an end to his hopes for a long ministry there and for the last time he came back to America in 1948.

A Solemn Mass of Requiem was offered for Father O'Donnell at St. Vincent Ferrer's Church, New York City, on August 23, the Very Rev. T. S. McDermott, O.P., Provincial, presiding. The ministers of the Mass were: the Very Rev. E. L. Hughes, O.P., Provincial of Saint Albert's Province, celebrant; Rev. J. R. Grace, O.P., deacon and the Rev. B. C. Werner, O.P., subdeacon. The eulogy was preached by Rev. Richard E. Vahey, O.P., Director of the Dominican Foreign Missions. There were about 100 Dominican Fathers and

150 Dominican Sisters present at the Mass. Seated in the sanctuary was the Rt. Rev. Msgr. John J. Stanley, P.R. Burial was in the Dominican cemetery, Pleasantville, N. Y.

To the brothers and sisters of Father O'Donnell, *Dominicana* extends its sympathy. *May he rest in peace.*

✠ THE REVEREND DANIEL ANTONINUS WYNN, O.P. ✠

The Rev. Daniel Antoninus Wynn, O.P., died at the Dominican House of Studies, River Forest, Illinois, on May 27, 1949, as the assembled Community sang the *Salve* outside his cell. His death came in the fifty-seventh year of his religious profession and followed upon a long illness.

Father Wynn was born on January 25, 1871, in Dowra, County Cavan, Ireland, one of the twelve children of Mr. and Mrs. James Wynn. He received his primary education at St. Elizabeth's parochial school in Chicago, after coming to the United States as a small child. He later graduated from the then St. Ignatius College, in the same city. He began his novitiate with the reception of the habit at St. Rose Priory, Springfield, Ky., on August 15, 1891, and made his profession at the same convent a year later. After completing his philosophical and theological studies at St. Joseph's Priory, Somerset, Ohio, he was ordained on March 12, 1897, by the Most Reverend J. A. Watterson, Bishop of Columbus.

The Dominican apostolate of Father Wynn began at St. Vincent Ferrer's parish in New York City. In succeeding years he did parish work at St. Peter's Church, Memphis; Holy Name Church, Kansas City, Mo.; and St. Thomas' Church, Zanesville, Ohio. He was one of the founders and first vice president of Aquinas College, Columbus, Ohio. Because of his outstanding success as a preacher he was called upon to give numerous missions and retreats, and was eventually assigned to the Mission Band with headquarters at Holy Rosary Church, Minneapolis, Minn. In 1917 he became one of the original members of the Western Mission Band and earned wide renown for his preaching ability. For the past ten years Father Wynn has been stationed at the Dominican House of Studies in River Forest where he observed the fiftieth anniversary of his ordination in 1947.

The funeral services were held in St. Pius Church, Chicago, on Monday morning, May 30, at eleven o'clock. The Very Rev. Edward L. Hughes, O.P., Provincial, was celebrant of the Solemn Requiem Mass. Deacon and subdeacon were the Prior and Subprior of the House of Studies, The Very Revs. J. E. Marr, O.P., and J. R. Gillis, O.P. The sermon was preached by the Rev. Leo M. Shea, O.P. Burial was at All Saints Cemetery.

Dominicana extends sympathy to the Rev. Daniel B. O'Rourke, nephew; Sister M. Daniel, O.P., niece; and to the friends of Father Wynn. *May he rest in peace.*