



**HIS EXCELLENCY**  
**MOST REVEREND MICHAEL W. FISHER**  
*By the Grace of God and the Authority of the Apostolic See*  
**BISHOP OF BUFFALO**

**DECREE REDUCING THE CHURCH OF OUR LADY OF VICTORY, FREWSBURG  
AND ITS ASSOCIATED PROPERTY TO PROFANE BUT NOT SORDID USE**

***THE FACTS***

The Buffalo Missionary Apostolate was pastoral program that served the Diocese of Buffalo in the middle portion of the twentieth century. The goal during those years was to provide sacramental ministry in rural areas of the diocese while at the same time offering newly ordained priests an opportunity to serve as an Administrator of a small country parish. Originally, there were three Catholic families in Frewsburg who offered their homes as sites to hold Mass until a church could be established. On 13 September 1940 the Swedish Evangelical Church was purchased from Mr. Ernest L. Danielson by the Missionary Apostolate and renovated for Catholic worship. The first Mass was celebrated in this church by the Rev. Eugene Wagner in 1941. In 1950 the Missionary Apostolate ended, and the Rev. John Smith was installed as the first resident pastor.

A new church was constructed and subsequently dedicated by Bishop Leo Smith on 3 July 1960. In 1992, due to the lack of available priests in the area, Our Lady of Victory was linked with Our Lady of Loretto Parish in Falconer. This arrangement lasted until 2003 when Our Lady of Victory was linked with St. James Parish in Jamestown. An official merger took place on 1 June 2008 as part of the Journey in Faith and Grace initiative.

For many years, Our Lady of Victory church served its intended purpose of providing a sacred building dedicated to divine worship for the people of that part of Frewsburg. The church has known many Administrators and Pastors throughout its history. In September of 2022, St. James Parish was united to a cluster of neighboring parish communities to form Family #4 in the diocesan Road to Renewal.

Given the overall assessment of need for St. James Parish, Our Lady of Victory church is seen as superfluous. St. James Parish already has a large parish church capable of accommodating the faithful from the entire future parochial territory. Due to the fact that St.

James Parish foresees itself laboring under financial strains, a future prediction of a lack of priests, the coming need to contribute toward the diocesan Chapter 11 Bankruptcy settlement, and the need to better equip itself for future ministerial opportunities, it was proposed to alienate the sacred edifice and relevant property of Our Lady of Victory church.

### *THE LAW*

Canon 1212 remarks, “Sacred places lose their dedication or blessing if they have been destroyed in large part, or have been turned over permanently to profane use by decree of the competent ordinary or in fact.” A church can remain in relatively good structural condition and still be reduced to profane use if it is no longer needed or if it cannot be sustained by the means at the disposal of the parish who uses it.

Canon 1222 §2 states, “Where other grave causes suggest that a church no longer be used for divine worship, the diocesan bishop, after having heard the presbyteral council, can regulate it to profane but not sordid use, with the consent of those who legitimately claim rights for themselves in the church and provided that the good of souls suffers no detriment thereby.” Here the necessity of a grave cause stands out as the essential motivating factor for such reduction of “a sacred building designated for divine worship to which the faithful have the right of entry” (c. 1214). Additionally, the bishop must have previously consulted both the presbyteral council and those who have a legal claim on some aspect of the church building. Following the general norm of canon 50, although not strictly speaking required by the present canon, it is also advisable to consult with those who will be affected by the closure. With this consultation in mind, as long as the good of the faithful is not seriously inconvenienced, a church building may be reduced for profane/secular use.

Regarding the grave cause required by this canon, the 2013 Instruction from the Congregation for Clergy helpfully points out that, “To assess the gravity of a cause, each must be considered individually, weighing the whole context of the situation. At times, the gravity of a cause will arise only from a combination of just causes, each insufficient in itself, but which together manifest the seriousness of the situation” (“Procedural Guidelines for the Modification of Parishes, the Closure or Relegation of Churches to Profane but not Sordid Use, and the Alienation of the Same” *Jurist* 73 [2013] 217). This Dicastery clearly establishes that a diocesan bishop is not bound to produce only one grave cause to be able to utilize canon 1222 §2, a constellation of just causes taken together are also sufficient.

Canon 1238 §2 makes clear that “Altars, whether fixed or movable, do not lose their dedication or blessing if the church or other sacred place is relegated to profane uses.” The first paragraph of this canon points the reader back to canon 1212 which discusses the loss of dedication or blessing begin dependent on destruction of the sacred place or object, or its being turned over to profane use “by decree of the competent ordinary.” Thus, applying this norm to the altar(s) of a church, they must be mentioned specifically if they are to be included in the reduction of the sacred building.

## ***THE ARGUMENT***

In assessing the ongoing pastoral care of those who have traditionally attended Our Lady of Victory church, it is necessary to point out that, from the front door of Our Lady of Victory church, St. James church is 5.8 miles away and Our Lady of Loretto church is 6.3 miles away. These are not unreasonable distances for a rural environment found in this part of the diocese. In fact, the vast majority of the individuals who worship at Our Lady of Victory church arrive by automobile. The distance to either of the abovementioned churches will not add more than ten minutes for those who have until now been worshipping at Our Lady of Victory church.

On 30 August 2024, I consulted the Presbyteral Council regarding the potential reduction of the church building to profane but not sordid use. Reasons for the reduction and alienation included the need to reduce financial strain on St. James Parish, the shortage of priests available for ministry in the area, the assessment of those in charge of the Road to Renewal initiative, and a need to generate income to contribute to the diocesan Chapter 11 Bankruptcy settlement. The matter was discussed, and each member of the Council had the opportunity to vote. The Council decided unanimously to support the proposition.

I further consulted the archives of the Diocese of Buffalo to see if any individual could be identified as claiming legitimate rights regarding the church or its property. The land purchased from Mr. Ernest L. Danielson in 1940 is owned by the parish corporation with no restrictions for future use. This search being completed, no individuals or heirs were identified who qualify for this consideration.

Considering the inability of St. James Parish to maintain their current quantity of worship sites and buildings going forward, in addition to the reasons cited above, I have recognized a sufficiently grave cause and decided to reduce Our Lady of Victory church to profane but not sordid use following the norm of canon 1222 §2.

Thus, having done the requisite consultations and having gained the required consents, I, the undersigned Most Reverend Michael W. Fisher, Bishop of Buffalo, exercising my ordinary power in virtue of canons 1222 §2 do hereby decree that the church of Our Lady of Victory, located at 6 Institute Street, Frewsburg, New York 14738 be reduced to profane but not sordid use. In addition to the church building itself, I decree that all altars within the church lose their consecration, dedication, or blessing by this same decree (c. 1238).

This decree is to be effective on Monday 13 January 2025.

This decree is to be communicated to the Rev. Paul S. Cygan, the Administrator of St. James Parish, Jamestown (cc. 532 and 540 §1) and the relevant churches within that territory (cf. cc. 7, 54 §1). Given the norm of canon 540 §2, a dispensation is also granted according to the norm of canon 87 allowing the property of Our Lady of Victory church to be alienated by an individual other than the Pastor. Anyone who feels his or her rights have been legitimately harmed by this

decree may present a challenge by requesting its revocation or emendation to its author within ten (10) useful days from its legitimate notification. Further recourse will follow the norms of canons 1734-1739.

Given at the Chancery of the Diocese of Buffalo on this 18<sup>h</sup> day of November 2024.



*+ Michael W Fisher*  
Most Reverend Michael W. Fisher  
Bishop of Buffalo

*[Signature]*  
Ms. Melissa Potzler  
Chancellor