



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

**DECREE OF THE MERGER OF HOLY APOSTLES PARISH, JAMESTOWN AND ITS
TERRITORY INTO ST. JAMES PARISH, JAMESTOWN**

THE FACTS

In the early 1850s, Catholics began to settle in the Jamestown area. Opportunities for employment were abundant due to the recent completion of both the railroad and canal. A number of priests served this area in those days with the first Mass being celebrated by the Rev. John Doran in a private home some time in 1846. SS. Peter and Paul Parish was established in these early years and served by the Franciscan Friars from Allegany from 1855 to 1860. On 20 July 1860, the Rev. P. Byrnes became the first resident pastor. A school was started by the Rev. C. D. McMullen in September 1865. In the tenure of the Rev. R. Coyle (1874-1914) the current church was expanded to accommodate a large number of the faithful.

The beginnings of St. John Parish can be traced to June of 1927 when the Rev. Austin Billerio arrived as Pastor of St. James Parish. He recognized that a portion of Jamestown had fallen on hard times and was not properly attended to by the Catholic Church. The faithful in the eastern part of the city found it difficult to make their weekly obligation and their children were lacking in basic catechesis. Rev. Billerio gave much attention to these individuals and eventually built a small chapel to accommodate them. A larger church was soon needed. St. John church was completed and dedicated on 29 October 1939. The next year, St. John Parish was established with Rev. Billerio as its first Pastor. The Franciscan Sisters of Allegany oversaw the religious education of the children of this parish.

Due to the continued growth of the parish, a new church was again needed. The cornerstone for the new edifice was placed on 28 May 1961 and was described as a "day...of great joy for the entire parish for now they could see in a real way the results of their efforts and sacrifices." This church was dedicated on 3 September 1961 by Bishop Joseph A. Burke.

As a part of the Journey in Faith and Grace initiative, St. John Parish and SS. Peter and Paul Parish were combined to form Holy Apostles Parish on 1 June 2008. The original school attached to SS. Peter and Paul Parish was converted into a regional school and eventually closed in 2012. In February of 2023, Holy Apostles Parish was included in Family #4 as part of the Road to Renewal program.

The Road to Renewal has allowed the diocese to gain a more realistic picture of the financial and sacramental situations in its parishes. Holy Apostles Parish has been identified as a community that could benefit by being joined with its sister community in Jamestown. Additionally, due to our need to amass a substantial sum of money to settle numerous civil claims in Federal Bankruptcy Court, the possibility of alienating some or all of this property has also been suggested. This was discussed with members of the Chancery and especially with the Reverend Bryan Zielenieski, Vicar for the Renewal. As a result of these conversations, I hereby issue the following decree.

THE LAW

Because a parish is a public juridic person (cc. 116, 515 §3) and therefore established perpetually (c. 120), it can only be extinguished by legitimate authority according to the norm of law. Canon 515 §2 states, “It is only for the diocesan bishop to erect, suppress, or alter parishes. He is neither to erect, suppress, nor alter notably parishes, unless he has heard the presbyteral council.”

Unstated in this norm is the requirement for at least a just cause in augmenting the structure of a parish. As a parish is defined in law as “a certain community of the Christian faithful stably constituted in a particular church, whose pastoral care is entrusted to a pastor (*parochus*) as its proper pastor (*pastor*) under the authority of the diocesan bishop” (c. 515 §1). The focus of such augmentation is primarily concerned with the pastoral care of a group of people and only secondarily interested in specific worship sites. Thus, a merger of parishes falls under the governing authority of the diocesan bishop in accord with canon 374 §1.

Following the norm of canon 121, when two public juridic persons “are so amalgamated that one aggregate, itself with a juridic personality, is formed, this new juridic person obtains the goods and patrimonial rights proper to the prior ones and assumes the obligations with which they were burdened.” The eminent canonist Reverend Robert Kennedy notes, “Canon 121...focuses on what, in the United States, is called a consolidation, in which two or more juridic persons are so joined that each of them loses its own juridic identity and in their stead a new juridic person is constituted. A consolidation involves both the suppression and creation of juridic persons” (“Chapter II: Juridic Persons” in *New Commentary on the Code of Canon Law* (New York: Paulist Press, 2000) 168). Since the norm of canon 121 assumes a consolidation in which two juridic persons go out of existence to form a new juridic person from the amalgamation of the former entities, it does not strictly apply to the situation of a parochial merger in which one entity absorbs another.

When the principle of law contained in canon 121 is applied to the canonical merger of one parish into another, the receiving parish must assume all net assets and debts of the merging parish. Here the term “net assets” is used to indicate that the merging parish is responsible for paying off its debts before an accurate assessment of what constitutes the temporal goods of the merging parish can be determined. “Commutative justice,” the *Catechism of the Catholic Church* reminds us, “obliges strictly; it requires...paying debts” (n. 2411). This amount, once established, will be transferred to the receiving parish. What would be a clear *a iure* transfer of assets and liabilities to a newly constituted juridic person described in canon 121, is only partially applicable to the situation of a merging parish and can thus be addressed in terms of “net assets” to be identified at a future date.

THE ARGUMENT

The reshaping of the diocese to prepare it for more effective ministry in the future requires a certain consolidation of resources. The goal of the Road to Renewal is to reduce the strain on our already limited number of priests while at the same time uniting communities to foster a greater drive to “go out to all the world and preach the Gospel to all creation” (Mk 16:15). Part of this process requires the merging of parishes and the overall reduction of physical worship sites throughout the diocese. Looking at Holy Apostles Parish in particular, the research and consultation done by the Office for Renewal and Development has revealed that this community would be better served by joining its resources to St. James Parish in an extinctive merger.

On 30 August 2024, the presbyteral council met at the Catholic Center of the Diocese of Buffalo. At this meeting, I consulted the council about the possibility of merging Holy Apostles Parish into St. James Parish, Jamestown. Rev. Zielenieski pointed out that there would likely only be two available priests serving in Family #4 by 2030. St. James Parish is also being considered to absorb the territory of other nearby parishes so as to centralize pastoral ministry and increase efforts for evangelization. This proposal received unanimous support from the members of the Presbyteral Council present on 30 August.

Having heard the Presbyteral Council on this issue, I have chosen to merge Holy Apostles Parish into St. James Parish in accord with canon 515 §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 canon 515 §2, do hereby decree that Holy Apostles Parish, Jamestown be merged into St. James Parish, Jamestown and Holy Apostles to be extinct thereby.

St. James Parish will be the recipient of the net assets and liabilities of Holy Apostles Parish. The territorial boundaries of St. James Parish will henceforth include:

The entire City of Jamestown and the Townships of Kiantone and Carroll.

The intentions of the founders and donors regarding the temporal goods and patrimonial rights proper to the extinct Holy Apostles Parish, insofar as they exist, must be respected. In addition, the temporal goods and patrimonial rights, and obligations of the extinct Holy Apostles Parish must be defined and allocated according to the norm of law (cf. cc. 121-122) as interpreted by this document.


All the parish and sacramental records of the extinct Holy Apostles, SS. Peter and Paul, and St. James parishes are to be properly preserved and safeguarded in the parish archives of St. James Parish, Jamestown, in accord with the norm of law.

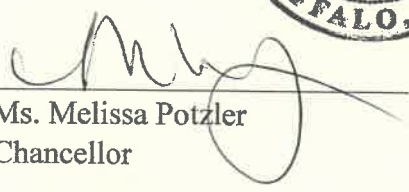
This decree is to be effective on Friday 28 February 2025.

This decree is to be communicated to the Rev. Paul Cygan, the Administrator of both parishes (c. 532) and the two parishes affected by this extinctive merger (cf. cc. 7, 54 §1). 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 6th day of January 2025.




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


Ms. Melissa Potzler
Chancellor