



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 ST. ANTHONY OF PADUA PARISH, BUFFALO AND
ITS TERRITORY INTO ST. LOUIS PARISH, BUFFALO**

THE FACTS

In the late 19th century, the population of Italian immigrants was on the rise in the City of Buffalo. Members of this community petitioned Bishop Stephen Ryan for a worship space and, in 1888, were given use of the chapel behind St. Joseph Cathedral. Money was already being gathered for a new church when a Scalabrinian priest came to Buffalo to preach a mission to the Italian population. This mission was so successful that the bishop asked the Scalabrinian Fathers to come to Buffalo to minister to the Italian faithful.

The Rev. Anthony Gibelli was appointed the first Pastor of the St. Anthony Parish and oversaw the construction of the church beginning in 1891. Originally a personal parish for Italians, St. Anthony of Padua served some 10,000 Italian Catholics by 1909. On 7 December 1891, the parish school opened. This was one of the first bilingual schools in the country. A new school was built and dedicated in 1912 to accommodate the needs of the students. This school remained open until 1968 with a brief closure from 1931 to 1945.

The original plans for City Hall included the demolition of St. Anthony of Padua church. Fortunately, an alternative plan was chosen in 1926, and the church was spared destruction. Beginning in 1953, St. Anthony of Padua church served the needs of Hispanic Catholics coming to the area. A Spanish-speaking priest was assigned to the parish, but this ministry only lasted until 1963.

St. Anthony of Padua was transformed into a territorial parish when other downtown parishes were erected. It has also been the home of the liturgy according to the Missal of 1962 since 1995. This community has been instrumental in the financial support of the parish and is currently the most active part of parochial life at St. Anthony of Padua.

In June of 2023, St. Anthony of Padua Parish was included in Family #22 as part of the Road to Renewal program. The next year the Diocese of Buffalo was approached by a group of men, one priest and two seminarians, who were looking for a permanent home to establish an Oratory of St. Philip Neri. After visiting the diocese and speaking with Chancery officials, the decision was made to welcome these men into the diocese and turn over the administration of St. Anthony of Padua to them. For this to happen, the parish of St. Anthony of Padua would need to be merged.

The Road to Renewal has allowed the diocese to gain a more realistic picture of the financial and sacramental situations in its parishes. St. Anthony of Padua Parish has been identified as a community that could benefit by merging its territory into St. Louis so that it may continue as a non-parish church. 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 *motu proprio Traditionis Custodes* constitutes universal law related to the use of the Missal of Pope St. John XXIII promulgated in 1962. The document has many regulations that require implementation. Relevant to this decree is the part where it states, "The bishop of the diocese in which until now there exist one or more groups that celebrate according to the Missal antecedent to the reform of 1970: is to designate one or more locations where the faithful adherents of these groups may gather for the eucharistic celebration (not however in the parochial churches and without the erection of new personal parishes)" (Art. 3 §2). A parochial church is that sacred edifice which serves as either the only church for a parish community or is the primary church for a parish with multiple worship sites. According to this norm, the bishop can designate specific locations for the celebration of the *usus antiquior* but these cannot be parochial churches.

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 equip 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 reevaluation of ministry throughout the diocese. Looking at St. Anthony of Padua Parish in particular, the presence of the men attempting to establish an Oratory of St. Philip Neri has necessitated an alteration to the parochial status of the community. In order to preserve the community attached to the form of the liturgy prior to the reforms of 1970 and respect the universal norm of *Traditionis custodes*, a merger of these parishes is the best means to accomplish this goal. St. Anthony of Padua church will continue to provide a liturgical home for the Italian Mass as well. Once the merger takes effect, it will operate under the care of a Rector who will work with the Pastor to provide pastoral care to both these communities.

On 27 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 St. Anthony of Padua Parish into St. Louis Parish, Buffalo. Rev. Zielenieski pointed out that the plan for St. Anthony of Padua church included its continued use as one of the sites of the *usus antiquior*, the

site of the Italian Mass, and the church being utilized as the home for the St. Philip Neri House. St. Louis Parish has already been designated to absorb the territory of other nearby parishes so as to centralize pastoral ministry and increase efforts for evangelization. This proposal received nearly unanimous support from the members of the Presbyteral Council present on 27 August.

Having heard the Presbyteral Council on this issue, I have chosen to merge St. Anthony of Padua Parish into St. Louis 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 St. Anthony of Padua Parish, Buffalo be merged into St. Louis Parish, Buffalo and St. Anthony of Padua to be extinct thereby.

St. Louis Parish will be the recipient of a portion of the net assets and liabilities of St. Anthony of Padua Parish. The specifics of this transfer and the division of future temporal goods and stable patrimony belonging to St. Anthony of Padua Parish will be established in a subsequent agreement between St. Louis Parish and the St. Philip Neri House. The territorial boundaries of St. Louis Parish will henceforth include:

1. the territory south of Virginia from Lake Erie to Whitney Pl., southeast on Whitney Pl. to W. Chippewa; North St. between Delaware Ave. and Michigan Ave.;
2. the territory west of Michigan Ave. from North St. to Goodell, west on Goodell to Washington St., south on Washington St. to Tupper St., east on Tupper St. to Main St., south on Main St. to W. Chippewa; W. Chippewa west to S. Elmwood and south on S. Elmwood to W. Genessee St.;
3. the territory east of Lake Erie from W. Genessee to Virginia, northeast on Virginia to Whitney Pl.; Delaware Ave. from W. Chippewa to North St.;
4. the territory north of W. Genessee St. from Lake Erie to S. Elmwood; north of W. Chippewa from Delaware Ave. to Main St.

The intentions of the founders and donors regarding the temporal goods and patrimonial rights proper to the extinct St. Anthony of Padua Parish, insofar as they exist, must be respected. In addition, the temporal goods and patrimonial rights, and obligations of the extinct St. Anthony of Padua Parish must be defined and allocated according to the norm of law (cf. cc. 121-122) as interpreted by this document and as agreed upon by a future document which will treat the matter in detail.

All the parish and sacramental records of the extinct St. Anthony of Padua Parish are to remain at St. Anthony of Padua church and continue to be utilized in accord with the norm of law.

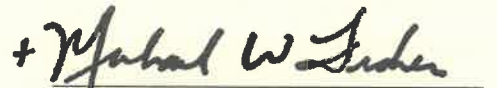
This decree is to be effective on Monday 23 December 2024.

This decree is to be communicated to the Rev. Raymond Corbin, the Pastor 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 4th day of December 2024.




Ms. Melissa Potzler
Chancellor


Most Reverend Michael W. Fisher
Bishop of Buffalo