



**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 ST. PATRICK, BROCTON AND ITS  
ASSOCIATED PROPERTY TO PROFANE BUT NOT SORDID USE**

***THE FACTS***

Catholic history in the area of Brocton, New York goes back to the late 19<sup>th</sup> century. At that time, the central hub of activity was in Dunkirk. Bishop Stephen V. Ryan purchased land in Brocton from Mr. and Mrs. Theodore and Helen Moss in 1873. This land came with the express restriction that it only be used for the construction of a church for religious worship. The community in Brocton constructed a small wooden church on the site which bore the name St. Michael Mission. St. Michael became an independent parish in 1922 when the Rev. Daniel Early was appointed as the first resident pastor.

When it came time to file for incorporation with the State of New York, there was an official change in the name. What was once known as St. Michael church became St. Patrick church and the parish was officially listed as St. Patrick's R.C. Church on 17 March 1924. The original church burned down in 1942 which forced the parish to worship in rented theater space for eleven months until a new church could be built. The current church was constructed on a different plot of land which already hosted the parish rectory. Because of the war and scarcity of materials, the new St. Patrick church was not dedicated until 11 June 1944. From that time on, the people of Brocton benefited greatly from their new home for divine worship.

A study conducted as part of the Journey in Faith and Grace initiative determined that, given the changing demographics of the parish territory, there was a need to consolidate the territory and discontinue the existence of St. Patrick an independent parish. Consequently, it was decreed to be merged with St. James Major Parish and St. Thomas More Parish to form St. Dominic Parish, Westfield on 13 October 2008. In this same decree, the church of St. Thomas More was decreed to be closed as a worship site.

For many years, St. Patrick church served its intended purpose of providing a sacred building dedicated to divine worship for the people of that part of the diocese. The church has known many wonderful Pastors. In September of 2022, St. Dominic Parish was united to a cluster of neighboring parish communities to form Family #5 in the diocesan Road to Renewal.

During the present reorganization program, the question of what to do with St. Patrick church building and property has arisen. St. Dominic Parish already has a large parish church capable of accommodating the faithful from the entire future parochial territory. Due to the fact that St. Dominic 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 St. Patrick 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 relegate 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 St. Patrick church, it is necessary to point out that, from the front door of St. Patrick church, St. James Major church (St. Dominic Parish) is 8.3 miles away and Holy Trinity church, Dunkirk is 8.8 miles away. These are not unreasonable distances for a rural environment typical of this part of the diocese. In fact, the vast majority of the individuals who worship at St. Patrick church arrive by automobile. The distance to either of the abovementioned churches will not add more than fifteen minutes for those who have until now been worshipping at St. Patrick 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. Dominic 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. A counterproposal was not submitted by Family #5. Thus, the 43<sup>rd</sup> *Regula Iuris* of Pope Boniface VIII, “Who keeps silent seems to consent,” can be reasonably applied to the current situation. The matter was discussed, and each member of the Council had the opportunity to vote. The Council decided unanimously to support the church’s reduction.

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. In contrast to the plot of land procured for the first church, the land purchased for the current church 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.

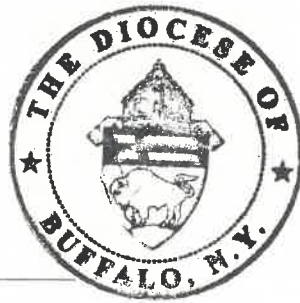
Considering the inability of St. Dominic Parish to maintain their current quantity of worship sites and buildings going forward, in addition to the reasons cited above, I have recognized a sufficiently grave cause and decided to reduce St. Patrick church to profane but not sordid use following the norm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

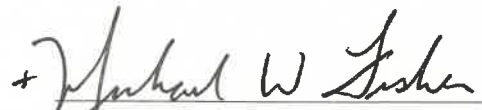
Thus, having done the requisite consultations and having gained the required consents, I, the undersigned Most Reverend Michael W. Fisher, Bishop of Buffalo, exercising my ordinary power in virtue of canons 1222 §2 do hereby decree that the church of St. Patrick, located at 12 Central Ave, Brocton, NY 14716, 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 17 March 2025.

This decree is to be communicated to the Rev. David E. Tourville, the Pastor of St. Dominic Parish (c. 532) and both the relevant churches within that territory (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 18<sup>th</sup> day of February 2025.



+   
Most Reverend Michael W. Fisher  
Bishop of Buffalo

  
Ms. Melissa Potzler  
Chancellor