



DECREE

Merger of Saint Paul Parish, Franklin and Saint Mary of the Assumption Parish, Tilton, New Hampshire, resulting in one new juridic person

Saint Paul Parish has served the Catholic faithful of Franklin since 1884. Saint Mary of the Assumption Parish has served the Catholic faithful of Tilton since 1891. During that time, many people have heard the Word of God, have worshiped and received the sacraments of the Church in these parishes. Now, in an effort to strengthen the preaching of the Gospel and to ensure the vitality of parish life in the Lakes Region of the State of New Hampshire, with concern for the best stewardship of resources and the right of the people of God to receive assistance from the Church, especially the Word of God, spiritual sustenance, the sacraments and the continuation of ministries, it is necessary to make new provisions for the spiritual care of the parishioners of these parishes.

To that end, having asked parishioners to make known their needs and desires, having received the recommendations of the Cluster Task Force 10, consisting of two parishioners and the pastor from each of the parishes, after consultation with the Dean of the Lakes Deanery, the Long Range Planning Commission and the Presbyteral Council of the Diocese of Manchester and the Diocesan Finance Council, and in accord with canons 121, 515 §2 §3 and 518 of the *1983 Code of Canon Law*, I hereby:

1. Merge Saint Paul Parish and Saint Mary of the Assumption Parish to form one territorial parish effecting an extinctive union of the two parishes. The merger shall take effect at midnight at the end of Sunday, June 30, 2013. The new parish shall include the membership of the former Saint Paul Parish and the former Saint Mary of the Assumption Parish. The existing church edifice of each of the former parishes will remain the sites of worship for the new parish community, until such time that the pastor, with the advice of his parish pastoral and finance councils, and with my consent, determines otherwise.
2. The boundaries of the new parish will encompass the entire territory of the former Saint Paul Parish and Saint Mary of the Assumption Parish, including the towns of Franklin, Northfield, Sanbornton and Tilton.
3. Establish that the name of the new territorial parish be known from midnight at the end of Sunday, June 30, 2013 as Saint Gabriel Parish. The name of the current Saint Paul Church and Saint Mary of the Assumption Church edifices shall remain unchanged.

4. Establish that, in accord with canon 519, a Pastor will be appointed to foster the pastoral care of Saint Gabriel Parish.

This decision is motivated by a number of components, among them the concern for souls and spiritual welfare of the parish communities, with each parish under the care of the same Pastor since September 28, 2011, the spread of the Gospel, the fostering of unity of the People of God in the Lakes Deanery, the enhancement of collaborative ministry, the formation of one unified community and the best use of available priest personnel.

All parish registers containing the records of baptism, confirmation, Eucharist, marriage, and deaths preserved at Saint Paul Parish and Saint Mary of the Assumption Parish shall be transferred to Saint Gabriel Parish office where they will be faithfully preserved in accord with canon 535, §§1-5; and according to the norm of canon 121, all assets, whether movable or immovable, and all liabilities of Saint Paul Parish and Saint Mary of the Assumption Parish upon this merger, will become the assets and liabilities of Saint Gabriel Parish. Furthermore, possession of all ecclesiastical goods and all objects of artistic or historical value belonging to the former Saint Paul Parish and Saint Mary of the Assumption Parish shall be transferred to Saint Gabriel Parish and shall be administered in accordance with canons 1189 and 1292.

The merger of Saint Paul Parish and Saint Mary of the Assumption Parish will suppress and terminate the juridic personality of Saint Paul Parish and Saint Mary of the Assumption Parish, which they now possess by law. Therefore, Saint Paul Parish and Saint Mary of the Assumption Parish shall be no longer subject in canon law of obligations and rights corresponding to their nature as juridic persons. In addition, said Saint Paul Parish and Saint Mary of the Assumption Parish shall be capable no longer of acquiring, retaining, administering, and alienating temporal goods according to the norm of law.

I direct that this Decree be given to the pastor of Saint Paul Parish and Saint Mary of the Assumption Parish, and that this information, as well as the "Manner of Initiating Recourse Against an Administrative Decree," be communicated at all Masses of obligation on the weekend of Saturday, June 29, 2013 and Sunday, June 30, 2013.

Given at Manchester this twentieth day of June, 2013.



Bishop of Manchester



Chancellor

THE MANNER OF INITIATING RECOURSE AGAINST AN ADMINISTRATIVE DECREE

Book VII, Part V, Section I of the 1983 *Code of Canon Law* provides for recourse against administrative decrees. The first desire expressed by the Code itself is that there be no contention between one who feels injured and the author of the decree [cf. canon 1732]. Nonetheless, should it seem necessary to propose recourse against a decree issued by the bishop or by authorities subject to him, the following guidelines may be of assistance.

1. The pastor alone represents the parish in all juridic affairs [cf. canon 532]. Only the pastor may propose recourse in the name of the parish. Individuals may not claim to represent the parish, nor can groups of individuals claim to represent the parish in proposing recourse. An individual may propose recourse in his or her own name. Similarly, a group of individuals may propose recourse collectively, but representing themselves and no others. They may not claim to represent a larger group, or the entire parish.
2. According to canon 1734, before proposing hierarchic recourse (petition for examination of a decree by the proper Dicastery of the Holy See), one must seek revocation or emendation of the decree. This must be done in writing, to the author of the decree, within a peremptory period of ten working days from legal notice of the decree. Accordingly, prior to the close of business on the tenth working day after legal notice of the decree, a written request for Bishop Libasci to revoke or emend the decree must be sent or delivered to:

Most Reverend Peter A. Libasci, D.D.
Diocese of Manchester
153 Ash Street
PO Box 310
Manchester, NH 03105-0310

- a. The request must state exactly what is being petitioned and the reasons why.
 - b. Requests that are not specific as to what is being sought or why, will not be accepted and will not be considered as delaying the initial ten-day time limit.
 - c. Requests for an extension of time will not be honored.
 - d. Requests sent by facsimile telecopier will not be accepted.
3. If a valid request for revocation or emendation of the decree is received within the ten-day time limit, Bishop Libasci has thirty days from receipt of the petition to decide his response. If no response is given in thirty days, a negative response is to be assumed [cf. canon 1735].
 4. If, after legitimate petition, Bishop Libasci does not emend or revoke the initial decree, hierarchic recourse may be proposed to the Holy See. This must be done within a peremptory time limit of fifteen working days. This recourse cannot validly be proposed unless one has first written to Bishop Libasci to ask him to revoke or emend the decree, as in Number 2 above. This recourse is to be made in writing, along with the reasons for seeking recourse, to the proper Dicastery of the Holy See.