



DIOCESE OF YOUNGSTOWN

David J. Bonnar

By the Grace of God and the Apostolic See

BISHOP OF YOUNGSTOWN

DECREE

Whereas "individual bishops who have been entrusted with the care of a particular church - under the authority of the supreme pontiff - feed their sheep in the name of the Lord as their own, ordinary, and immediate pastors, performing for them the office of teaching, sanctifying, and governing" (cf. Vatican II, Decree on the pastoral office of Bishops in the Church *Christus Dominus*, October 28, 1965, n. 11);

Whereas, by decree of June 16, 2023, Saint Anthony/All Saints Parish and Saint. Mary/Saint Benedict Parish, were merged, and whereas the newly merged parish was given the name of Saint Francis of Assisi Parish;

Whereas where 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 goods of souls suffers no detriment hereby (c. 1222, §2);

Whereas the diocesan bishop has the duty to exercise careful vigilance over the administration of all the goods which belong to public juridic persons subject to him (c. 1276, §1), and whereas the diocesan bishop, in the administration of goods, concerns himself first of all with providing for divine worship, charity, the apostolate and the support of the clergy, these ends always being given precedence over all others (Congregation for Bishops, *Directory for the Pastoral Ministry of Bishops "Apostolorum Successores"*, February 22, 2004, n. 188);

Whereas, through proper discernment process, based upon numbers, in particular financial matters, it has become clear to the community that maintaining three church buildings for one parish is not viable

Whereas the parish cannot afford to maintain multiple churches, unless to the detriment of other, pastoral projects in the parish;

Whereas Very Reverend Kevin Peters, pastor of Saint Francis of Assisi Parish, has requested to relegate Saint Mary Church in Canton, Ohio, to profane but not sordid use;

Whereas the gravity of the reason results from the sum of the circumstances which show that the reason is of great importance in the concrete case (cf. Nicholas Schöch, "Relegation of Churches to Profane Use (c. 1222, §2): Reasons and Procedure," *The Jurist* 67 [2007] 491).

Whereas we have abundantly established that grave reasons required by canon 1222, §2 are present, even if some of the reasons invoked may not by themselves constitute a grave cause, they do so when taken together;

After having heard the Presbyteral Council on September 25, 2023, and, after having exposed the motives for the relegation of the church, the Presbyteral Council gave a favorable advice for the relegation of the church of Saint Mary in the parish of Saint Francis of Assisi;

After a careful examination, it was established that nobody could legitimately claim rights for themselves in the church, understood primarily as patrimonial rights or rights associated with patrimonial rights (cf. Supreme Tribunal of the Apostolic Signatura, Final Decree of the College of Judges, 21 November 1988, *Communicationes* 20 [1988] 93: "Iura de quibus sermo fit in canone sunt praesertim iura patrimonialia vel eis assimilata, quae magna ex parte e fundatione vel aedificatione ecclesiae exsurgunt."), rights that are not presumed, but must be proven (Supreme Tribunal of the Apostolic Signatura, Decree of the Congresso, 5 May 1995: "Iura, de quibus sermo, non praesumuntur, sed de eorum concessione vel admissione ex parte competentis auctoritatis ecclesiasticae legitime constare debet." and "Non demonstratur haberi personas quae vera iura in ecclesia e. sibi legitime vindicant.");

Therefore, I, the undersigned Bishop of Youngstown, Ohio, after prayerful consideration, have decided as follows:

DECREE

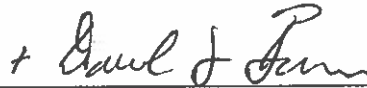
1. The Saint Mary Church in Canton, Ohio, is hereby reduced to profane but not sordid use according to the precepts of canon 1222, §2.
2. The administrator is herewith authorized to start any negotiations that may lead to the sale of the property, notwithstanding the need to follow the proper procedures when it comes to effectively alienate the property.

3. Prior to alienation, all sacred objects, relics, sacred furnishings, stained-glass windows, bells, confessionals, altars, etc. are to be removed for use in other sacred edifices or to be stored in ecclesiastical custody. In case the altars cannot be removed, they must be destroyed (cf. cc. 1212 and 1238).

This decree will become effective on the date of the alienation of the property.

All those who claim to have been aggrieved by this decree are herewith notified that, if they desire to file recourse against our decree, they are required, *ad validitatem*, to submit a petition in the sense of canon 1734, §1 to us within ten useful days from the legitimate notification of this decree.

Given at Youngstown, Ohio, this 6th. day of October, 2023.



Most Reverend David J. Bonnar
Bishop of Youngstown



Joan Lawson
Chancellor



Linda Tedde
Notary

