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An investigation of schisms within the African  
Presbyterian Bafolisi Church of Southern Africa

By

Rev Leqeku Amos Monareng

(Student no.2011113996)

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the degree Masters in Theology (M.Th.)

In the Faculty of Theology

Department of Church History and Polity

University of the Free State

Supervisor: Prof Piet Strauss

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## Declaration

“I, Leqeku Amos Monareng student number 2011119396 declare that the Master’s Degree research dissertation I herewith submit for the Master’s Degree qualification 9708- Magister Theologiae at the University of the Free State is my independent work, and that I have not previously submitted it for a qualification at another institution of higher education.”

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## **Key words**

African Presbyterian Bafolisi Church

African Indigenous Churches

Ethiopian Churches

Missionary Churches

Presbyterianism

Presbyterian Church of Africa

Schisms

Faith healing ministry

Succession

Hereditary

Elections

## Abstract

This dissertation is a historical study that attempt to investigate the continual schisms within the African Presbyterian Bafolisi Church of Southern Africa, as a popular pattern among the African Indigenous Churches(AIC) .

Furthermore this study will retrace specific historical principal causes of these schisms and seek approaches and standards that can address and curb identified causes of leadership succession disputes.

History records that the development and growth of the African Indigenous Churches (AIC) primarily of the Ethiopian type of Churches was because of their break away from the missionary Churches, and also where there was a schism from within the African Indigenous Churches.

It was on the 12th of September 1908 when the African Presbyterian Bafolisi Church was established by the Rev EJ Marumo its founding father, after breaking away from the Presbyterian Church of Africa (PCA) which was founded by P J Mzimba in 1898.

The Presbyterian Church of Africa was founded in 1898 by the Rev. James Phambani Mzimba, who broke away from the Free Church of Scotland because of a misunderstanding between the black and white clergy.<sup>1</sup>

The reason behind the breaking away between Rev EJ Marumo and Rev PJ Mzimba was doctrinal; it is believed that the Rev EJ Marumo while a minister of religion within the Presbyterian Church of Africa (PCA) had a calling to faith healing ministry, and therefore his intention to establish the African Presbyterian Bafolisi Church was to continue his ministry to pray for the sick people.

The challenge of the African Presbyterian Bafolisi Church is the splitting up of the Church every after the death of a leader, and the squabble over the leadership disputes.

This research study highlights the uniqueness and characteristics of the African Indigenous Churches, especially on the question of ancestral worship and veneration.

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<sup>1</sup> [www.oikoumene.org/Presbyterian Church of Africa](http://www.oikoumene.org/Presbyterian Church of Africa). Retrieved on the 9/6/2017

It further investigates whether Church leadership is obtained as an inheritance or is it through elections? And this question leads this study to examine the ecclesiastical structure and how the African Presbyterian Bafolisi Church should express itself and its theology.

Therefore it must organize itself and its structure in a way that reflects how it understand itself, its identity and that it is called to be both holy and worldly, its structure must reflect its theology, especially that it is called for worship and mission.

Then this research study further examines Presbyterianism as a form of Church Government system that is biblical and that was originally adopted at the formation of the African Presbyterian Bafolisi Church.

The other point of significance in this study is the comparison of the African Presbyterian Bafolisi Church to other reformed Churches i.e. the Uniting Presbyterian Church in Southern Africa and the Christian Reformed Church.

There is a need to continually grapple with an effort to develop a well-documented book of faith and order that is binding to its members and assemblies, rather than consulting secular courts with ecclesiastical issues to apply and effectively maintain the church order and tradition.

## Contents

Chapter One: Introduction and background to the study	10
1.1 Introduction	10
1.2 Research questions	10
1.3 The research aims and objectives	10
1.4 Research methods. (Design)	11
1.5 Research outline	11
1.6 Conclusion	12
Chapter Two: The First fragmentation of (1938)	14
2.1 Introduction	14
2.2 The formation of the African Presbyterian Church	16
2.3 The key reasons behind the 1938 schism	17
2.4 The Lesson behind the 1938 schism	19
2.5 Conclusion	20
Chapter Three: The second split of (1953)	22
3.1. Introduction	22
3.2. The Death of Rt.Rev JH Mokalapa	23
3.3 The 1953 elections of the moderator	24
3.4 The recognition of the Church by the government	26
3.5 <a href="#">The history of Rev Asia Marumo</a>	29
3.6 Conclusion	30
Chapter Four: Is Church leadership elected or inherited?	32
4.1. Introduction	32
4.2. The power struggles in the church	37
4.3 The court's intervention in ecclesiastical disputes	41
4.4 Succession plan	45
4.5 The Conclusion	46

Chapter Five: The disintegration of the Church (disobedience leads to disunity)	48
5.1 Introduction	48
5.2 The 1979 disintegration of the Church	49
5.3 In the matter between African Presbyterian Bafolisi Church vs A Letsika (Case No 253/1980).	51
5.4 The 1985 schism of the African Presbyterian Bafolisi Church	52
5.5 Disunity within the Church	54
5.6 The defiance of the synodical decision in 2009.	57
5.7 The 2009 intractable leadership squabble.	58
5.8 Conclusion	60
Chapter Six: The 2008 debate, “Is Presbyterianism entrusted to individualism or councils”?	62
6.1 Introduction	63
6.2 What is Presbyterianism?	63
6.3 The traditional Presbyterian ecclesiology	65
6.4 The African Presbyterian Bafolisi Church in comparison to the Uniting Presbyterian Church in Southern Africa	68
6.5 Conclusion	73
Chapter Seven:	76
7.1 The aim of this chapter	76
7.2 The conclusive summary and recommendations	76
7.2.1 Research questions	76
Bibliography	89
Appendixes	
Court order	



# **Chapter One: Introduction and background to the study**

## **1.1 Introduction**

The purpose of this dissertation is to study and examine the principal causes of the ongoing schism within the African Presbyterian Bafolisi Church over a centenary time frame (1908-2016), which is experienced over the succession plan after the death of a leader. The aspect that this research will deal with can be stated through the following questions:

What are the core causes of continual schism within the said Church?

How can this trend of continual schism within the Church be restricted?

What criteria the Church ought to apply to address succession disputes?

What type of Church leadership and governance should the said denomination consider when addressing succession disputes?

## **1.2 Research questions**

(a) Is there a common cause for the continual break away within the African Presbyterian Bafolisi Church of Southern Africa and if so, what is it?

(b) How can this trend of continual schism within the African Presbyterian Bafolisi Church be treated in a church like way?

(c) What criteria and strategies can the African Presbyterian Bafolisi Church acquaint with to control the continual schism?

## **1.3 The research aims and objectives**

The aim of this research dissertation is to study and identify the core causes of the continual schism and division over the succession disputes of the mentioned Church over the past hundred years.

To identify other social issues and factors that had an impact on the continual schism of the mentioned Church to the present day.

To compare her Church governance pattern to other reformed and Presbyterian Churches i.e. the Uniting Presbyterian Church of Southern Africa.

The study aims at curbing the costly battles that the African Presbyterian Bafolisi Church encounter in pursuing relief and aid in secular courts over ecclesiastical issues.

#### **1.4 Research methods. (Design)**

In this study the qualitative approach and literature review will be applied to answer the research questions.

There is not enough written information on the subject, therefore the choice of this study is within a limited scope of information, since this is a historical research there are synod reports and minutes that are available which are not published. They are authentic because they are marked with signatures of members of the synod.

The most part of the research will be based on primary source i.e. oral information and archival data kept in archives, libraries, court judgements and private collections.

The secondary source will be the work of other scholars about the issue being studied, including other documents such as the constitution of the said Church, synod minutes, High court judgments and autobiographies.

The research study will take place in the Free State province specifically in the Bloemfontein since the mentioned Church headquarters has been originally in Harrismith district later moved to Reitz and presently is located at Bethlehem district.

#### **1.5 The research outline**

The research outline will consist of the following chapters and each chapter will examine the causes and the consequences of the schism in the African Presbyterian Bafolisi Church.

Chapter One: Introduction and Background

Chapter Two: The First fragmentation of (1938)

Chapter Three: The Second split of (1953)

Chapter Four: Is Church leadership elected or inherited?

Chapter Five: The disintegration of the church (disobedience leads to disunity)

Chapter Six: 2008 The debate, "Is Presbyterianism entrusted to individualism or councils?"

## 1.6 Conclusion

The end of the 19th century marked the birth and formation of the early African and first indigenous Christian converts who served as helpers in the mission Churches, it is reported that they were responsible Catechists and Readers, who were of great assistance to missionaries.

Bishop Colenso approach headed to the emergence of a number of indigenous clergy and leaders, history reports that in 1893 there were about 20 indigenous African clergy personnel in the yearbook of the Church of the Province of South Africa(Lieta in Draper 2003:252).

The term indigenous clergy refers to (natives) meaning locally born ministers of African extraction, Lieta in Draper further reports the breakaway of Henry Callaway who was a protégé of Colenso, who differed on theology and Churchmanship.

Lieta further mentions that there were social, political, and religious factors that contributed to the period of ordination of indigenous clergy, that the missionary Churches were uncertain of the indigenous people capacity for pastoral work; hence the first candidate of ordination of the Presbyterian Church the Rev Tiyo Soga was trained and ordained in Scotland (Lieta in Draper 2003:251,252).

According to Giliomee & Mbenga it was in the late 1800`s when the missionary Churches experienced the breakaway of indigenous people to establish their own African independent Churches (AIC) due to several reasons(2007:256).

It was during this era that the formation of the Presbyterian Church of African (PCA) took place and it remained in the course of this period in history that the African Presbyterian Bafolisi Church was established when the Rev.EJ Marumo broke away from (PCA) the Presbyterian Church of Africa in 1908 (APBC 1915:6;Swartbooi 2014:3).

History records the growth of the (AIC) African indigenous Churches mostly of the Ethiopian type was as a result of the breakaway of Mangena Mokone and James Dwane from the Methodist Church, who are founders of the Ethiopian Church (Oosthuizen 1997:18)

The Methodist Church was not as hesitant to the ordination of indigenous clergy compared to the Church of the Province in South Africa. The Africanisation of the Christian Church has increased throughout the years but their rapid growth and development throughout the continent was challenged by internal conflicts that headed to frequent splits and divisions within the same Church denominations and continual law court contests over succession quarrels (Lieta in Draper 2003:252).

According to Mokone in Giliomee and Mbenga “No native minister is honoured among the white brethren”. Their core reasons to move away from the missionary Methodist Church was due to the over control of funds and unfair treatment of white clergy towards their African colleagues (2007:256).

This study wish to address such issues and how to curb this continual disputes and habitual splits patterns within the African Presbyterian Bafolisi Church and other AIC type of Churches.

## **Chapter Two: The First fragmentation of (1938)**

### **2.1 Introduction**

This research aims to:

- Investigate the common cause of schism and identify the methods and approaches that will curb the continual splits and division of the mentioned Church.
- Deal positively with schism and divisions of the mentioned Church in the present day.
- Curbing the costly legal court litigations that the African Presbyterian Bafolisi Church encounters in pursuing legal relief and court judgements in secular courts over ecclesiastical issues.

Mosala in West notes that the African Indigenous Churches are characterized by various sociological and theological factors, as well as leadership pattern which are a key common feature among indigenous African Churches.

The other features brought forth are that leadership positions in the African Indigenous Churches are not attained either by educational training or birth only, but on the contrary leadership position is a product of the Holy Spirit, rooted in the spirituality of these Churches.

Lastly there are various denominational categories within the African Indigenous Churches, which help to trace their denominational charisma from different historical contexts to which they draw their character and identity (Mosala 1991:194).

African Indigenous Churches are defined as institutions that developed without the power of western Churches, referring to foreign or mission churches, and Coertze extends his definition to cover the mission churches which has African component, meaning churches by means of African leadership and membership (Coertze 2005:10).

Mofokeng in Naidoo recites that the indigenous Churches were named (AIC) African Independent Churches simply because they are a break away from missionary Churches in order to be Independent and African Church, the reason for schism was based on the circumstance that Africans felt uncomfortable, discriminated against and oppressed in the mission Churches.

She further expresses the reasons for the division was the imposing of Western culture, customs and interpretation of the Bible upon African descendants, and the disregard of Africanism as inferior, pagan and perceived to be coming from the devil (2012:146).

Sundkler further characterizes the main type of AIC as an “Ethiopian type” based on the background that these churches are traced from missionary Churches, and their historical contexts is that they breakaway on racial line and the desire to control themselves.

Sundkler distinguished between three types of independent churches, he identified that there were those churches that retained the outward forms, structure and much of the theology from their mother churches and continued to use the name of their mother church as part of their new name (Gruchy 1979:45).

Swartbooï gives a brief historical background of the African Presbyterian Bafolisi Church of Southern Africa (APBC), that it was established by the Rev EJ. Marumo at Harrismith on the 12th September 1908.

It originates from the Presbyterian Church of Africa (PCA) founded by Rev PJ Mzimba in 1898, and pointing out that the reason for their breakaway was doctrinal not political (APBC 1915:6; APBC 1979:2; Swartbooï 2014:3).

The founding fathers and leaders in the majority of the African Indigenous Churches are linked with the healing power and ministry subsequently their followers and members respected and held them to be true leaders.

The power of healing ministry has made African Indigenous Churches popular and has attracted most Africans, and it is a contributing factor to their increasing membership that these type of denominations have become mega churches (Modiko 2011:01).

Swartbooï narrates that in the year 1938 there were elections and the Rev JH Mokalapa was voted as the Moderator, winning elections against the Rev SJ Moloantoa, It is noted that the Rev SJ Molantoa disputed the elections (2014:22).

It is alleged that the Rev SJ Molantoa disputed against the election of the moderator in 1938 among his reasons were that his fraction of ministers were late therefore the conference did not quorate, therefore the elections should be queried and again the Rev JH Mokalapa has been the leader of the church for almost twenty years uninterruptedly and has been elected continuously for the fifth term since 1923.

(APBC 1979:02).

The third reason is that there were allegations, suspicions and accusations that the Rev SJ Moloantoa, is a member of the Dingaka Association, implying that he adhered to the traditional African religion and Christianity simultaneously therefore he was accused that his conduct was propagating against the Christian faith.

It may be presumed that the Rev SJ Molantoa like many more AIC`s priests have developed their own distinct of worship or faith healing ministry which blends Christianity with African customs.

The Rev JH Mokalapa and ministers who are officers of the synod reported these suspicions to Pretoria , explicitly to the South African Native Affairs Commission and to the native commissioner of Kroonstad in all probability after setting up disciplinary measures against Rev SJ Molantoa with intentions to suspend or to discharge him from the clergy roll .

The Rev SJ Molantoa denied his affiliation to the Dingaka Association (Swartboo 2014:22-23).

## **2.2 The formation of the African Presbyterian Church**

An allegation made by the Rev JH Mokalapa and other ministers, suspecting and accusing the Rev SJ Moloantoa that is a member of the Dingaka Association marks the first schism.

Mofokeng in Coertze maintains that African converts to Christianity were led believed that the African way of life could not lead to eternal life, the traditional African way of life assumed to be pagan or rather evil, and to believe that their ancestors had been damned (2005:47).

The African indigenous Churches are notable from other denominations, they have faith in the existence of ancestors, and there is no argument that there is objectivity in worship, between Christian faith with ancestral veneration and worship, therefore worship is reserved for God alone, hence ancestors are not worshipped but honoured (Mofokeng in Coertze 2005:48).

In a matter between the Presbyterian Church of Africa v Sehawu and Others (3375/12), the high court of South Africa, Eastern Cape, Grahamstown the court heard a leadership dispute of the said church and the judge defined a church as a voluntary association which exists and functions in accordance within its written

constitution.

According to Makhubu, the Zionist-Cum-Ethiopian Church type of denomination within the African Indigenous Churches, they are classified as a group of churches that has intermingled the Zionists, Apostolic and Ethiopian practices. Where the spirit of prophecy, healing, exorcism is give emphasis to, at the same note these types of Churches maintain an Ethiopian church order.

The AIC`s is argued that their syncretic worship uses the ancestors as intermediaries to convey prayers and requests to God instead of Christ or Angels, African Christians prefers the custom of veneration to worship, ancestors are respected and honoured, and reverence is given to living parents (Makhubu 1988:60).

According to Swartbooi the dispute between the two mentioned leaders of the Church led to the first schism and the establishment of the African Presbyterian Church in 1938. Rev SJ Molantoa parted from the African Presbyterian Bafolisi Church, subsequently to allegations that his conduct was not in line to Christian faith (2014:23).

### **2.3 The key reasons behind the 1938 schism**

Literature refers to Ethiopianism as the principal concept among the causes of the formation of the African Indigenous Churches, and the frustration and desire of many Africans to become church leaders that led to disputes over church discipline rooted in conflicting moral standards (Pretorius & Jafta in Elphick and Davenport 1997:213).

The Christian faith as introduced by the missionary Churches did not eradicate the ancestral veneration held by most African Christian but rather it maintained and modified the interpretations within the African indigenous Churches (Tlhagale in Coertze 2005:47).

According to Moji Ruele in Nkomazana & Lanner in the African Indigenous Churches healing involves the whole person; the mind, emotions and spirit, and healing ministry within the African indigenous Churches is held to be the major component and mission of Christian church on earth (2007:196).

The methods of healing used in African Indigenous Churches attracts people in large numbers and as a result these denominations become more popular because of healing ministry, therefore people believe that they are healed by prayers and performance of rituals (Makhubu 1988:77).

Ancestors are believed and understood as guardians over the living and hence life and existence from them is inseparable (Oosthuizen in Modiko 2011:3).

In African culture ancestors are not worshipped but rather they are honoured because they are acclaimed to be holding power in judicial, sociological and supernatural significance, and furthermore it is held that they determine the destiny and exercise influence in the life of the living, protecting and watching over the living based on their supernatural power and related relationship with the living and their descendants.

Therefore it is submitted that ancestral world is very important in the life of the African church and in African spirituality, “every person is a nexus of interacting forces so that they are capable of communicating and interacting vertically – with God, and deities, ancestors and other spiritual forces including mystical powers and horizontally –with fellow human beings” (Kathide in Coertze 2005:47).

It is therefore assumed that the alleged ancestral call of the Rev SJ Molantoa to become an African traditional healer is among other key reasons that led to the first schism of the African Presbyterian Bafolisi Church in 1938.

“Africa from time immemorial, has had to deal with reconciling African belief systems with the imposition of new religions that are bought in by other cultures and in the process strive to find what works” (Tlhagale in Coertze 2005:16).

The second reason that led to the 1938 schism is assumed that the Rev SJ Molantoa opposed the elections disputing that the Moderator held office for a period of 20 years without a break(Swartbooi 2014:23).

It must be noted that the Rev John Henry Mokalapa led the African Presbyterian Bafolisi Church for 35 years until he passed on in 1953,therefore there was a concern and a need for new leadership (APBC 1979:02;Swartbooi 2014:25) .

The struggle for leadership and mismanagement of funds among the African indigenous Churches are some of the key causes and disputes resulting in fractions among these Churches (Molobi 2011:02).

There is an assumption that many African Christians abandoned their traditional and historical churches due to the disaffection they experience of being unwelcome, and subsequently establishing their own churches or else turn to a number of new churches that are products of African initiated under African leadership.(Adogame 2013:68) .

## 2.4 The lesson behind the 1938 schism

The study aims at identifying the methods and approaches that will curb the continual splits and division of the mentioned Church.

In the dispute between Rev JH Mokalapa and Rev SJ Molantoa the decision of the arbitration is one approach that advantaged both sides, the decision of the adjudication was that there is no way that the said leaders could work together; therefore it was best for them to part ways.

The disputes between these two mentioned leaders of the church led to the first schisms of the African Presbyterian Bafolisi Church and marked the formation of the African Presbyterian Church in 1938 by Rev SJ Molantoa at Kroonstad.

The governing structure of the African Presbyterian Bafolisi Church is Ethiopian type meaning that it retained the church order of the Presbyterian Church of Africa however the African Presbyterian Church adopted the Zionist-Cum-Ethiopian Church manner hence the arbitrator concluded that there is no way that the Rev SJ Molantoa and the then moderator JH Mokalapa could work together. (Swartbooi 2014:24).

It should be noted that the change in policy of the South African government not to interfere with the church affairs and regulating their recognition and multiplication, had a negative impact in restricting with schisms among the African Indigenous Churches, rather it has encouraged continues breakaways instead (Elphick & Davenport 1997:225).

According to Pretorius & Jafta in Elphick and Davenport (1997:226 ) only eight of 800 African Indigenous Churches were granted government recognition and Makhubu confirms that the African Indigenous Churches struggled for government recognition until in 1963 when registration of churches was terminated and except for the purpose of noting the names of churches and eliminating the duplication of church names.

African Indigenous Churches are denominations that have wholly cut the umbilical cord with their missionary churches, they are the most largest and most influential to the shaping the contours of the new South Africa.

AIC`s are the most important religious group in South Africa that despite the challenges of schisms, their vitality, their rootedness in African traditions, they have a decisive influence on the history of the church and society in the changing South

Africa (Elpick and Davenport 1997:226).

Traditional African communities respect traditional healers because of the role they play in society, and as such church founders within the African Indigenous Churches with healing powers have a large membership of people who follow them and respect them as true leaders in many African communities (Anderson in Modiko 2011:01).

## **2.5 Conclusion**

The phenomenon African Indigenous Churches or African Independent Churches refers to the secession of black, African clergy from the missionary churches since the 1800`s to establish African churches independent from white missionary control.

It is presumed that many African Christians withdrew from the traditional and historical missionary churches due to the disaffection they experience of being unwelcome, they then establish their own churches or turn to a number of new churches and this marked the development of Ethiopian type of Churches which are a product of African Christianity under African leadership.

It was during this era that the Rev Pambani Mzimba a clergy from the Free Church of Scotland seceded and formed the Presbyterian Church of Africa in 1898, at Alice in the Eastern Cape.

Written and oral history accounts that the Rev Ephraim Jasone Marumo was admitted to the ministry of the Presbyterian Church in Africa while at Harrismith and had a gift of healing ministry to the sick through laying of hands and prayer.

He seceded from the Presbyterian Church of Africa over dogma, faith healing as opposed to communal matter on race or segregation, then on the 12<sup>th</sup> of September 1908 marks the birth of the African Presbyterian Bafolisi Church.

Swartbooi narrates that when the acting native commissioner enquired from the Rev Ephraim Jasone Marumo, why he left the Presbyterian Church of Africa and how was he appointed a leader?

In his response to the acting native commissioner said that “the congregation chose me to be its leader”, and the commissioner then requested a memorandum of understanding signed by all the clergy to that effect and the 1915 constitution was transcribed.

In the conflict between Rev JH Mokalapa and Rev SJ Molantoa that caused the secede is the allegations made against the Rev SJ Molantoa that he is a member of the Dingaka association and that his conduct is unacceptable to the Christian faith, the deviation was about what is common and considered in African traditional faith or religion as ordinary life situation.

The second issue raised in this chapter it is discovered that leaders served in office of leadership for too long, that election does not make any impact to effect changes.

Those in office are repeatedly elected and they occupy the office until they pass on, and hence the young clergy who aspire for leadership role they are delayed.

This caused the secede of Rev SJ Molantoa from the African Presbyterian Bafolisi Church and instituted the African Presbyterian Church in 1938, after arbitration recognized that there is no way the two clergy could work together, hence they were advised to part ways.

## **Chapter Three: The second split of (1953)**

### **3.1. Introduction**

This chapter narrates the history of the African Presbyterian Bafolisi Church from 1953 to 1973 and examining the conflicts among the clergy who were quarreling for the leadership position of the mentioned Church.

The African continent was primarily a quiet colonized continent in 1950 and with exception of South Africa and other three countries namely, Ethiopia, Liberia and Egypt which were independent states.

It was during this period that Christianity went with white men and white rule, providing justification for a white supremacy, Christian nationalism was the terminology for the national party policy, this was a perfect fusion between South African politics and religion (Hastings 1979:25).

It was during the same era that the African independent and indigenous Churches advanced in large numbers exclusively separating from mission connections, hence group of AIC are often known as “African “or “Ethiopian”.

These are churches which are founded to be independent from original western churches and unintentionally to duplicate the mission church, they have survived the deaths of their founders and despite ups and downs of fortune; they grew and became constant with years (Hastings 1979:67).

African Churches or Ethiopian movement comes from Christian communal and was headed by men and women, ordained and lay, they are a symbol of African Christian protesting against white domination in the mission Churches,

However African churches that retained nearly all the characteristics of their original body from which they have break from and as a consequence have inherited further internal schisms.

According to Hastings social and political discrimination undoubtedly encouraged Africans to seek a Church which would give a sense of ownership, and belonging to people of different races.

A church that offers full membership disregarding seating arrangements, equal salary and promotion of ministers, courtesy of social contact between within a joint

congregation and a wide scope of leadership (Hastings 1979:70).

### **3.2. The Death of Rt.Rev JH Mokalapa**

Swartbooi recites that after the passing away of the Rt Rev JH Mokalapa on the 28<sup>th</sup> of July 1953, the ministerial inspectorate committee met to discuss the leadership succession.

It is reported that the council agreed in principle that the Rev AL Mlaba to be assigned as the acting moderator until the synod assembled in December of the same year (APBC 1979:02; 2014:28).

The African Indigenous Churches or Ethiopian churches as commonly known they reached their apex, they were both vast and well established in the 1950`s when they were controlled by second generation leaders.

There was a noticeable consolidation in many ways of African tradition in the Christian church though this merging did not prevent the constant eruption of new schism, largely over questions of leadership and succession.

There was on the other hand an increasing concern with domicile and property, training of minister`s and the attaining of church recognition from the South African government (Hastings 1979:74).

There are various reasons that may be directed to schisms, among others it could be disputes within hierarchies, some may be based on genuine grievances, for example the leader misappropriating funds, or an official seizing the rightful role of another, or a leader contravening the church constitution.

It is further suggested that other disputes may be contrived and artificial when a subordinate feels that he should be the leader of the church, either by self-estimation, or pressure from supporters.

Therefore may seek excuses for confrontation with the Church leadership, in some instance members will stop coming to church and start their own.

Secession and breakaway may results because of the highly decentralized nature of the African indigenous Churches, and their difficulties in communication, distance and lack of education (Molobi 2011:7).

Swartbooï narrates that on the 24<sup>th</sup> December 1953 a synod assembled at Kestell in the northern Free State, summoned by the acting Moderator to discuss the leadership succession and it is reported that it recommended that the Rev PI Sithole to manage the elections as Rev Mlaba and Rev PL Selepe had interests in the elections.

It is further reported that the Rev AJ Mthembu proposed and nominated Rev Manasseh Mokalapa to contest the elections, but then the chairperson dismissed the nomination on grounds that the Rev MJ Mokalapa (the son of the late Rev HJ Mokalapa) is not a member of the African Presbyterian Bafolisi Church (Swartbooï 2014:29).

### **3.3 The 1953 elections of the Moderator**

Swartbooï narrates that the synod had elected the Rev Selepe to be the moderator of the church nevertheless he declined, the synod then reviewed its decision and synod voted in favour of the Rev AL Mlaba who was the General Secretary to the ex-moderator.

He was a skilled person, educated and therefore in a better position to address challenges and lead the church onward. Then the synod endorsed the Rev AL Mlaba as Moderator of the Church; however the Rev AJ Mthembu and other members of the clergy contested the elections.

Rev AJ Mthembu convened a quarterly conference (Presbytery) in accordance to the constitution of the Church, which has the power to elect a moderator, and consequently Rev MJ Mokalapa was elected as Moderator of the African Presbyterian Bafolisi Church; therefore the church had two leaders.

A court case was filed against Rev MJ Mokalapa in Harrismith, opposing his election, on the grounds that he was not a member of the African Presbyterian Bafolisi Church and that he is not entitled to inherit erf 93 which is the property of the Church.

Rev MJ Mokalapa in his defense maintained he was born in the said mentioned Church, which his father has led for 35 years, he denied allegations that he ever terminated his membership and allegiance to the African Presbyterian Bafolisi Church, consequently ministers who elected him had the right to do so, however the Rev AL Mlaba won the case and Rev MJ Mokalapa appealed the court decision (Swartbooï 2014:34).

Rev MJ Mokalapa appealed the court judgement to the native appeal court in Bloemfontein; in his application he forwarded the church constitution, which required the Rev AL Mlaba to table before the court a letter of intention to participate in the elections as well as the minutes of the synod which elected him as the Moderator nevertheless on failure to comply he was unsuccessful to demonstration on the balance of probability that there had been an oral nomination.

It is reported that the Rev MJ Mokalapa won the appeal case; the appeal court agreed with the appellant that the respondent in this matter who is the Rev AL Mlaba did not have the minutes of the elective council as well as proof that he can act and litigate on behalf of the said Church.

The Rev Mlaba consequently failed to prove to the appeal court that the election of the defendant of the first court was irregular and that in the absence of a proper Church constitution, it seems impossible to establish otherwise.

There was nothing to serve as evidence that the Rev AL Mlaba is the truthfully elected Moderator and that he has been lawfully appointed by the synod or quarterly ministers and conference.

There was no provision and information that the newly appointed moderator has the constitutional mandate to take legal action on behalf of the Church.

There was insufficient information in the church constitution, which expressed that the elected Moderator is authorized to act on behalf of the Church; the constitution was silent to prove that the meeting at which the defendant was elected was irregular.

It was alleged that if a person did not resign deliberately, he certainly resigned quietly and as such ceased to be a member or a minister of the African Presbyterian Bafolisi Church.

According to Advocate JPG Eksteen in Swartbooi (2014:35) the appeal court professed the constitution of the church as inappropriate and insufficient to the situation. The Church reached a point of dead end; the congregations were divided as well as the church.

The only way out of this mutually unsatisfactory situation appeared to be negotiations.

(a) With a view to divide the church with an admission of the fact that no reconciliation will ever take place between the opposing parties, or

(b) With the view to reconcile and protect the harmony and unity of the Church

### **3.4 The recognition of the Church by the government**

People who are in the middle of these schisms join churches with ulterior motives, both spiritual and carnal depending on their interests, therefore the historical developments of the African indigenous Churches need to be understood from the perspective of schism ( Molobi 2011:2).

The old order of Ethiopian tradition was among the recognized churches by government representing the AIC`s, in the 1950`s as well as the African Congregational Church and the Bantu Methodist Church of South Africa these were congregations established with urban mentality.

These type of Churches appealed to the well-read people who were unprivileged in social, political and religious settings, however the leadership of the indigenous churches were quiet aware and very cautious about their involvement in political protest against the government (Hasting1979:74).

The 1950`s marked and witnessed a more positive attitude on the part of the many independent churches towards and public recognition , the longer the church lasts the more likely it appeared to be valued by members of the public, and it had to seek for state recognition, and approval.

Churches pursued for government recognition for purposes such as registration of marriages and for purchasing communion wine (Hasting1979:123).

The AIC`s historic drive seeking for government recognition, manifested when both Rev Mokalapa and Mlaba applied for Church recognition to the Department of Native Affairs, and as a consequence file no 47/214 was approved in recognition of the African Presbyterian Bafolisi Church. (Swartbooi 2014:38).

It should be noted that in 1954 the secretary of Interior Affairs changed the file in full recognition of the said Church therefore file no P120/4/1066 was prepared.

It is further point out that the two leaders in the middle of 1959 and 1960 had correspondence with Department of Interior Affairs, and the response of the

secretary of Native Affairs was that he could not make any recommendations for a Church that has internal conflicts and which does not have stability (Swartbooi 2014:38).

It is recorded that several attempts over the decades have been made to organize these thousands of church groups into federations, and as a result of these attempts African Independent Churches Association (AICA) and Assembly of Zionists and Apostolic churches were formed (Barrett in Molobi 2011:3).

Khoapa in Molobi points out that around the 1960`s three major associations were recognized namely; (AICA) the African Independent Churches Association, (RICA) the Reformed Independent Churches Association and (AZASA) the Assembly of the Zionist and Apostolic Association (Barrett in Molobi 2011:3,4).

Ngada in Molobi says that It should be distinguished that in those days churches had to register with the Department of Public Works even though the government did not finance them, AICA was the most effective association in partnership with the Christian Institute (CI) which was headed by Dr. Beyers Naude, it is noted that more than 460 African indigenous churches affiliated with AICA (2011:4).

Hastings records that the African Indigenous Churches in South Africa experienced a high rate of fragmentation through internal conflicts through separation, multiplication and diversity, these led to the formation of the African Ministers Independence Churches Association since 1934 and Bishop Dimba's federation of Bantu Churches Association in 1943.

The core purpose of such organizations was to help their member churches with the process of applying for government registration, in pastoral training, formation and other various areas that small churches could not cope on their own (1979:253).

The Federation of Bantu Churches under the leadership of Rev WM Dimba was approached to intervene and facilitate the negotiations with the sole aim of resolving the leadership quarrel within the African Presbyterian Bafolisi Church, and a meeting was convened on the 31<sup>st</sup> October 1964 in Bethlehem.

It is reported in Swartbooi that the outcome was not fruitful due to the reason that Rev WM Dimba was of the opinion that leadership of the church must be elected based on its educational background, and that the Rev Molaba differed with the outcome based his argument on the understanding that an incumbent's performance, and leadership skills are very key for elections in the African

Presbyterian Bafolisi Church (2014:38).

According to Molobi the African Indigenous Churches are destabilized by their outdated ranking in the governing of their churches, a leader occupies a position and is not accountable to no one (Molobi 2011:6).

The highest office and position is bishopric and the office bearers are likely not well informed or with little knowledge or no theological education at all. Therefore the position of a bishop is a matter of personal status and financial sustenance and security rather than a calling and divine inspiration; hence the African Indigenous Churches are founded by one person who is likely to hold a position until death.

There is no succession plan and it is often difficult to hand over a leadership position to someone else, hence the succession plan is not simple and without conflicts, among heirs who wish to possess and become inheritors to leadership of the church (2011:6)

Barrett in Molobi maintains that church leadership within the African Indigenous Churches requires developing within it, as a major innovative idea that is capable of building a church out of the existing feeling of deprivation that intense social – religious stress caused.

It is further held that the African Indigenous Churches are said to be more absorbed in spirituality than in the economic aspect of their churches, investing money is not a priority to these churches, and their focus is on erecting a church building and in most cases the bishop and his leadership end up appropriating such money (2011:6).

Swartbooi points out that the Rev Dimba had a correspondence to Pretoria notifying government that the leadership dispute has been settled and the Rev Mokalapa is the senior moderator and Rev Molaba is his assistant (2014:38).

Rev Molaba opposed Rev Dimba`s report, and immediately he reported to Pretoria about the synodical dismissal of Rev Manasseh Mokalapa from the church, for appropriating church money from the superintendent of Harrismith without the church consent and for being pronounced a president of the African Presbyterian Bafolisi Church by Mr. WM Dimba who is not a member of the mentioned Church (2014:39).

According to Hastings the mission churches and the African Independent Churches continued however to have their own characteristic problems, relating to their formations.

The problem of the mission Churches is getting their structure to stretch and accommodate their black and indigenous members to their sacramental and disciplinary rules while the independent Church problem is continuity of ministry (1979:269).

The survival of the African Independent Churches is dependent on the spiritual power of their founding fathers and on absolute basic dependency on local communities, the fellowship and communion upon each other.

However in many instances when the founder passes away there is faction and schism, between kinship lineages, two or more spiritual lineages develop one following a son of the founder, others following his leading assistant.

### **3.5 The history of Rev Asia Marumo**

It is noted that after the passing on of John Henry Mokalapa, Asia Marumo the son to the founder and first moderator of the African Presbyterian Bafolisi Church, wrote a letter to Harrismith municipality through his attorneys, Kannemeyer, Wardhaugh & Asham from Bloemfontein enquiring about church site no 82 and 93.

Asia Marumo claimed that both sites belonged to his father and therefore these sites should be registered to his mother Alina Marumo, The Harrismith municipality responded to his enquiries and replied that the local magistrate or commissioner for black affairs was responsible to handle such queries( Swartbooi 2014:32).

It was suggested to Asia that if lady moderator Marumo had the right of ownership of both sites she was liable to pay levies of both sites, but then It is noted that Henry John Mokalapa has been paying levies of both sites since June 1937 as the moderator of the church had that responsibility( Swartbooi 2014:32).

It is reported that Asia Marumo continued to challenge the leadership succession of AL Molaba, HJ Gaba and MJ Moloi (Swartbooi 2014:28).

Hastings sited forward that the Church and its structures have not as yet acquired sufficient independent status against the claim of personality and immediate spiritual experience of her founding fathers, therefore the unity of the Church is not guaranteed by the present, living leader but rather the legacy of the dead founder, his tomb, and keep to the historical and traditions of the Church (1979:269).

Swartbooi notes that “elections were held every after five years”, meaning that the Rev AL Molaba was elected as the moderator in 1953, 1958, 1963, and 1968

respectively. The Rev AL Molaba passed on in December 6<sup>th</sup>, 1973 and the synod in the following year elected the Rev HJ Gaba as the moderator from 1973-1978 at the age of 71 years and he successfully served for one term only (APBC1979:02; 2014:41).

### **3.6 Conclusion**

The history of the African Presbyterian Bafolisi Church from 1953 to 1973 analyzes the conflict among three clergy namely the Rev.AL Mlaba, MJ Mokalapa and Asia Marumo going to court for the leadership position of the Church.

In the conflict between Rev. AL Mlaba and MJ Mokalapa there was a disagreement on several issues, firstly it is noted that MJ Mokalapa together with Ozier Doporo were admitted as theological student at Union Bible College at Sweetwater's in 1949.

They went for pastoral training and formation on completing both were admitted and ordained to the ministry of the Word and Sacraments and nevertheless not appointed to a pastoral charge, and however the Church accused MJ Mokalapa that he joined the Baptist Church.

The outcome on the legal court proceedings between Mlaba and MJ Mokalapa concealed that a member of the church, particularly a clergy could resign and terminate their membership either deliberately or silently.

Therefore it is vital that in every Church meeting and sessions to preserve the attendance register and minutes as evidence that such a Church session or court was held and the resolutions that were reached are in order and are binding to all members.

The constitution needs to be explicitly clear on who has the authority to sue on behalf of the Church, or the legal standing on behalf of the church, and the third point that is raised concerns which is the correct constitutional structure and procedure between the presbytery meeting and a synod meeting has authority to nominate and conduct elections in accordance to the Reformed or Presbyterian Church order.

The fourth point was on the procedural requirements as a standard for nominating candidates for leadership positions. It is argued that among the leadership qualities the educational background of a candidate should be considered, while there is a trend setting and pattern that the membership and seniority of a candidate in the Church should be equally considered as a requirement for nomination.

The court proceedings between AL Mlaba and MJ Mokalapa challenge and led the Church to review and amend the constitution of the Church to address the most recent disputes and its concerns.

In relation to Asia Marumo who enquired about sites no 82 and 93 from the Harrismith municipality, it is clear from the contents of his letter that he intended to claim them as his inheritance.

Manasseh Mokalapa as well thought he had a cause to inherit the two sites, forgetting that the church buildings belonged to the African Presbyterian Bafolisi Church as a communal structure not to an individual.

The last issue that was of concern from this chapter is the continual election of the same person into office without a break, and leading a church organization until death.

On the opposite it is a noble and a healthy sign that the Church had elections every five years, meaning that the church elders and delegates continued to represent their local congregations in electing a moderator and other office bearers.

It gives a poor impression when a single candidate lead a church organisation for more than two terms, it implies that there is deficiency of leadership or theological skills and training therefore the church is fixed with a single candidate that is proficient to lead until death.

## **Chapter Four: Is Church leadership elected or inherited?**

### **4.1. Introduction**

This chapter aims at studying and investigating how the African Presbyterian Bafolisi Church is to curb costly legal battles in pursuing relief and aid in secular courts over ecclesiastical issues, particularly over leadership succession.

According to Olatunde (2016:01) the African Initiated Churches are found across Africa; they are particularly well-recognized in southern Africa and West Africa that at least 36% of the population of Africa belongs to an African Initiated Church. During the colonial period indigenous African Christian converts were unable to reconcile their beliefs with the teachings of their churches and they split from their missionary churches.

The reasons for these splits were usually: political – an effort to escape white control; historical – many of the parent churches, particularly those from a Protestant tradition, had themselves emerged from a process of schism and synthesis; and cultural – the result of trying to accommodate Christian belief within an African worldview.

Many AIC`s share traditions with Christians from other parts of the Christian world, and these can also be used in classifying them. So there are AICs which share some beliefs or practices with Anglican, Methodist, Roman Catholic, Pentecostal and Orthodox traditions.

Leadership is about the power to fulfill God`s dream, the power of making choices and decision. To heed God`s call and becoming God`s partner, the Church needs such kind of leaders that will be in a position to influence and assist corporations and governments to become God`s partners (Coertze 2005:88).

It is argued that authority comes with the assumption of a position while Weems, Jr. in Maloma mentions that authority could be given but leadership must be earned. Therefore a person can be assigned, selected, or designated for a position, but a person cannot be appointed to leadership.

Leadership must be earned every minute over many years, while it can be earned over a long period it could be lost very quickly, the best thing about authority is that it offers an opportunity to provide leadership (2011:89).

In Swartbooi it is held that the reason behind the splitting of the African Presbyterian Bafolisi Church in 1908 from PCA, Presbyterian Church of Africa founded by Rev PJ Mzimba was doctrinal, established on healing ministry through the laying of hands upon the sick (APBC 1915:7; 2014:22).

According to Makhubu the methods of healing used in the African indigenous Churches attracted people in large numbers and as a result these churches became more popular because of the healing ministry, people believe that they are healed through prayers and performance of certain rituals (1988:77).

There is a continuous debate within the African indigenous Churches on leadership principles about either a leader is born with special birth traits inherited in their personalities and characters or,

Is leadership nominated based on result of special training acquiring leadership skills, and moulding personality and character? However others understand and perceive it from different worldview that is “leadership position is a trusting, admiring relationship given to a person by their followers” (Munroe 2005:18).

On the same note it is debated that theological training is meant to equip and benefit men and women of the cloth for appropriate leadership and ministry within the church of God, and other spiritual institutions of faith, with skills and knowledge to address the needs of the church and their respective communities, therefore this process is called ministerial formation.

The objective is to have “visionary leaders with good moral standards and to be empowered to attend with passion and competency the various pastoral responsibilities at various level of the church” (Naidoo 2012:01).

According to Molobi most of the inner squabbles and tensions within the African Indigenous Churches often lead to divisions and breakaways within various AIC denominational structures.

It is noted that many of the people who were at the middle of these splits joined the church with ulterior motives, they being spiritual or emotional – depending on their interests (2011:01).

Therefore in the 1950`s there was an expansion of a persistent body of Churches outside the mission Churches, spreading the African Indigenous Churches in many

parts of Africa, and it includes the growth of the African Presbyterian Bafolisi Church of South Africa or of Southern Africa.

According to Pretorius & Jafta in Elphick and Davenport the Ethiopian Churches in general have retained the liturgies, the hymn books, teachings, organizational structures, vestments, and the spirituality and the tradition of their original missionary churches.

However they maintain and accepted the indigenous customs and some are more of Zionist in character, and they hold on to the ministry of healing through laying on of hands, and this has a profound aspect to their spirituality.

The early leaders of these churches had men and women who were predominantly well educated and who maintained their close connections with traditional African ruling class (1997:216-218).

“Members of our churches are the poorest of the poor, the people with the lowest jobs or with no jobs at all. We are what they call the working class, when people become highly educated and begin to earn big salaries they usually leave our churches” says Ngada and Mofokeng (1997:219).

The spiritual churches are the second group in the African Indigenous Churches, they surface as followers of a prophet, men and women who had acquired a personal position on account of their healing or preaching within the mission church.

They occasionally began as a clear schism within the mission churches, but clearly not related to its hierarchy or regular ministry and come to withdrawing from it due to African spirituality (Hastings 1979:68).

In Hastings it is recorded that among these African Indigenous Churches there are those such as the Church of the AmaNazaretha. Men such as Isaiah Shembe who is its founder who has died in 1935 even with internal and leadership disputes, However the AIC surprisingly survive the death of their founders, and grew in numbers and stabilized themselves with years (1979:67).

Leadership among the Shembe and in the Nazareth church is perceived to hold a sacred position, It is reported that a five year leadership dispute in the Nazareth church between Mduduzi Shembe the son of the late Vimbeni Shembe and his uncle Vela Shembe, came to an end when the KwaZulu-Natal High Court in Durban ruled

that Vela Shembe is the rightful leader of the Nazareth Baptist Church.

This was done in accordance in line with the church constitution, which was adopted in 1999; Vimbeni nominated his successor in writing and left the deed of nomination with his attorney, Zwelabantu Buthelezi.

The court concluded that Mduduzi failed to show on the balance of probability that there had been an oral nomination that Vimbeni`s son, Mduduzi was the rightful heir to the throne. <sup>2</sup>

It is assumed therefore that church leadership is not a decision that can or should be taken by the court because it is a spiritual decision and it is depending on the congregation's faith and dogma.

Munroe further defines “leadership as the capacity to influence others through inspiration motivated by a passion, generated by a vision, produced by a conviction, ignited by a purpose” (2005:54).

According to Swartbooi the Rev EJ Marumo had a gift of healing ministry which he discovered as a minister in the (PCA) Presbyterian Church of Africa and as a result of his popularity as a minister of religion practicing faith healing, his followers called themselves “Bafolisi” meaning people who pray for others.

The organization was named African Presbyterian Bafolisi Church and Rev E.J.Marumo was then nominated and elected the moderator during a convention held on the 12<sup>th</sup> September 1908 at Harrismith (APBC 1915:6; APBC 1979:02; Swartbooi 2014:3).

He continued with his healing ministry throughout the country, his last days were spent in the district of Reitz until on the 13th October 1918 when he got sick and passed on, and was buried at Reitz location, his funeral was arranged by then an Ordained Evangelist AL Molaba (APBC 1979:2; Swartbooi 2014:8).

The African Presbyterian Bafolisi Church grew in membership and organizational structure. It reserved the Presbyterian system of church governance which places her prime authority in a particular office and lays less emphasis on the individual office bearer or officeholder. It rather emphasises a series of representative bodies

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<sup>2</sup> Khoza, A. 2016. Tears as court rules in Shembe church dispute. News24, 2016-10-19. <https://news24wire/>  
Tears as court rules in Shembe church dispute. Date of access: 10/6/17

that exercise authority.

The kirk session (local church) is the lowest court of the Presbyterian Church composing of the preaching elders and the minister in charge as the presiding officer and the ruling elders are elected by the local congregation.

In the denominational context the presbytery includes all ordained ministers and teaching elders and one ruling elder from each session. Above it is the synod which is followed by the General Assembly<sup>3</sup>

According to Mohapi in Maloma the Presbyterian system of Church governance meets the criteria of the Apostolic Church (2011:135).

In Coertze it is pointed out that leadership is about the power to fulfill God`s dream, the power of making choices and decision and to heed God`s call and becoming God`s partners, and The Church needs such kind of leaders that will be in a position to influence and assist corporations and governments to become God`s partners (2005:88).

Ngada & Mofokeng in Coertze gives a further illustration of the type of leadership within the African Indigenous Churches, relating to those in a leadership position as ordinary people just like the other members of the church, who live among them and share in their suffering and experiencing the consequence of oppression. Leaders in the African Indigenous Churches are most often ordinary labourers living in the townships, villages and squatter camps with the people who suffer (2005:101).

According to Munroe leaders are ordinary people who have accepted extraordinary circumstances or they are placed under extraordinary circumstances that bring forth their hidden potential, producing a character that inspires confidence and trust within others (2005:79).

Naidoo maintains that theological training is unique to ordained ministry compared to other professional education since vocation to ordained ministry involves a call from God, as well as a call from the church, to determine appropriateness for ordination.

Ordination sets people apart for a particular leadership role; it requires ordinands to openly and publicly affirm their willingness to let the church play a major role in their life.

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<sup>3</sup> <https://www.collinsdictionary.com/dictionary/english/kirk-session> retrieved on the 10/06/2017

It moulds and shapes their identity; hence an ordained person has a unique identity that comes with conforming oneself to a particular ministry as a servant of the gospel.

It is further recited that authentic Christian leadership is not determined by the self-interests of the individual leader but rather the self-giving nature of leadership characterized by humility and obedience to represent Christ to the Church and to the world.

The Church is perceived as a distinctive and historical community that nurtures its values through corporate worship and shared discipleship forming a disposition of the heart of Christianity (2012:6-7).

Stott in his book about the living Church, implants a need for a radical conservative Church, a body of Christian community that will conserve what scriptures requires from a Church which is radical and that will conserve both tradition and conventional culture of the Church, because scripture is unchangeable and culture is subjected to modification (2007:17).

He further argues that every authentic preacher must be called, equipped and anointed by God, therefore the concept of a self-appointed, self-made preacher is weird.

The New Testament according to St. Paul teaches ten conditions that are listed for eligibility for the presbyterate or “eldership” of which nine of them are said to be moral and spiritual. Only one could be classified as professional namely didaktikos, According to I Timothy 3:2 “A church leader must be without fault; he must have only one wife, be sober, self-controlled, and orderly; he must welcome strangers in his home; he must be able to teach” (Bible 1977) that’s having the gift for teaching.

Stott holds to the view that the Church has no freedom to ordain those whom God has not called and they do not possess any gift, ordination refers to public acknowledgement that God has called a candidate to a particular ministry; it is jointly conducted with public commissioning to exercise the ministry to which they are called and gifted (2007:112).

## **4.2. The power struggles in the church**

Originally the main feature of the African Indigenous Churches is assumed that leadership positions are not attained either by educational training or birth, but leadership positions is a product of the Holy Spirit (Mosala in West 1991:194).

According to Amanze in Nkomazana & Lanner the African Indigenous Churches are a breakaway originally from the mainline churches and later from other African Indigenous Churches, and these breakaways are results of a number of factors.

New churches begin because of leadership disputes, financial irregularities, doctrinal differences, corruption of church leadership, a desire to make money from their ever increasing membership, an urge for spiritual renewal, faith healing and other motive (2007:24).

According to Makhubu the question of leadership positions in the African Indigenous Churches is a complex issue with no straightforward resolution, it is presumed that there is evidence of first generation of these leaders who went abroad to study, and came back to influence the indigenous churches, such persons as Mzimba, the founder of the Presbyterian Church of Africa and Dwane the founder of the Order of Ethiopia and many more others that are not mentioned (1988:98).

Indigenization in the mainline churches included the development of local leadership, in most missionary churches local leaders were groomed to take over the leadership system and structure that was pre missionary in some instances, missionary churches responded to this transition of indigenization by filling in the vacant leadership positions with local personnel.

This system was not genuine, it was a responsive approach to a new type of indigenous leadership while the church system and leadership composition remained western and mission orientated.

A church is assumed to be indigenous when it is self-governing, self-supporting and self-propagating and indigenous in leadership, the indigenization of the missionary leadership system collapsed as the management and financial support of the system were withdrawn (Nkomazana & Lanner 2007:350).

In comparison to the second and third generation leaders few of the AIC`s were involved in ecumenical movements, the African Indigenous Church leadership felt inferior and incompetent to participate in ecumenical proceedings due to language barrier.

They felt deserted when elections for office bearers were conducted in the executive positions, therefore it is noted that it was very rare to have an office bearer from indigenous church leaders.

Makhubu further conveys that in the 1950`s the Ethiopian type of church made the majority of the African Indigenous Churches and it had a more enlightened leadership, to which other African Indigenous Churches looked up to (1998:10).

Initially leaders were chosen through elections in the African Presbyterian Bafolisi Church, same situation was applicable the Rev EJ Marumo was elected at a meeting held at Bethlehem on February 1916.

It was a requirement of the native commissioner and hence an executive committee was elected at a meeting held at Bethlehem on the 22<sup>nd</sup> December 1916 (Swartbooi 2014:04).

Swartbooi further points out that after the death of Rev EJ Marumo a second synod was convened at Kestell to elect his successor and the Rev John Henry Mokalapa was elected by Rev TD Magwaza.

The main reason behind the schisms is the dispute over leadership position and in many African Indigenous Churches such familiarities of schisms is common.

There are divisions within the same church where different congregants' embraces different leadership pattern while others hold to the view that church leadership should remain within the family lineage and others are of the view that any qualified person should be democratically elected (Makhubu 1998:11).

It is assumed that the Rev Asia Marumo and the Rev Manasseh Mokalapa faction were of the view that church leadership should remain in the family lineage, This is evident over their continues enquiries as regards to the purchase and registration of church sites no 82 and 93 Harrismith, which were registered in the name of Rev HJ Mokalapa as the moderator of the APBC on the 15 June 1937 (Swartbooi 2014:32).

The Rev Asia Marumo also propelled a dispute over the said sites that they belonged to his late father, the Rev EJ Marumo therefore both sites are to be bequeathed to his mother Alina Marumo and should be registered in her name.

The Rev Asia Marumo received a response from the Harrismith municipality advising him that in principle the local magistrate or commissioner of native affairs has the jurisdiction to handle such issues and conflicts not the High Court (Swartbooi

2014:32).

When Rev Asia Marumo further disregarded the election of moderator HJ Gaba, which is reported was held on the 12<sup>th</sup> April 1974, thereafter Rev Asia approached the Reitz magistrate claiming the leadership position.

He opposed the elections on the grounds that he was destined to succeed his father when he became of age. He argued that Rev HJ Gaba was meant to act on his behalf until he became of age.

He further argued that moderator JH Mokalapa designated himself to the leadership position; because he was a minor when his father passed on. however it is reported that the Reitz magistrate confirmed the leadership of moderator HJ Gaba and the court instructed the Rev Asia Marumo to work with the moderator Gaba (Swartbooi 2014:46).

It is recorded that the Rev Asia Marumo later on notified Pretoria that he was the bishop of the African Presbyterian Bafolisi Church, and as a leader of the church moderators are under his leadership.

It was during an Easter convention on the 13<sup>th</sup> April 1979 at Odendaalsrus, after a long deliberation an agreement was reached. Rev Asia Marumo signed a letter confirming out of his free will, he handed over the leadership position of the church to Rev MJ Moloji, and a letter was posted to Pretoria.

The same dispute led to the formation of the office of bishop, and on the 25<sup>th</sup> August 1983, the son of the late Rev Manasseh Mokalapa, John Mokalapa instituted an application to the High Court in Bloemfontein.

Contending that on the 25<sup>th</sup> December 1982 he was elected the moderator of the African Presbyterian Bafolisi Church in a synod that was held at Harrismith.

It should be noted that John Mokalapa in his dispute for leadership position he was of the opinion that he became heir and is entitled to the position, claiming he succeeded his father the late Rev Manasseh Mokalapa, who succeeded Rev Henry John Mokalapa.

The second point of his argument was based on the limited educational background of the then church leader as not qualifying to the requirements laid by the government for registration and recognition of churches and marriage officers.

This situation led to the formation of archbishop, and in 1986 elections was

scratched out since then (Swartbooi 2014:53).

### **4.3 The court's intervention in ecclesiastical disputes.**

The church has the tendency to seek relief from the courts for her disputes and ecclesiastical issues, and ignoring her position of authority, as an institution of authority instituted by God.

Leadership position has become an act not a calling. The contemporary church leaders have a challenge to discover their purpose and reason for their existence.

Lee in Maloma argues that leadership is a calling from God to his people in the church, leaders are called to a position and secondly they are called to a relationship with other leaders and their followers.

The Church consists of people who are entrusted with skills and knowledge that is necessary for her wellbeing and administrative purposes (2011:84).

Daneel in Cuthbertson et.al notes that the death of the founding leader of a church causes problems with succession, the founding fathers are assumed to have a strong vision on the church and they are able to keep the church together until when they pass on. Then things began to fall apart and the members vision becomes weakened (2003:150).

It is reported in Swartbooi that in principle the local magistrate or commissioner for black affairs were the ones that had the jurisdiction to handle church disputes, therefore it was not necessary to approach the High Court (2014:32).

However it is assumed that the African Indigenous Churches end up in circular courts over leadership succession disputes, because the majority of them had neglected their ecclesiastical organization and institutional structures and disregarded provisions of denominational administrative structure of the mission churches and they rather focused on African spirituality.

In *New African Methodist Episcopal Church in the Republic of Namibia v Kooper* (A 293/2013) [2015], the judge brought into the open the argument that was even more fundamental issue to be addressed, whether this court has jurisdiction to hear this case, and to deal with ecumenical issues.

In the Court of Appeal of the Republic of Botswana in *Manzini and Others v Guta Ra Mwari Church* the Court held that "It is not for us to decide who is right and who is

wrong in this theological/administrative dispute between the church members”.

The judge recited the judgment by M.T. Steyn J in *Motaung v Makubela and Another NNO; Motaung v Mothiba NO* from The Botswana Court of Appeal that, ‘A court of law will however not interfere, even when there has been a clear infringement of the constitutional rules of a voluntary association, unless such interference is necessary to protect some civil right or interest.’

According to Nussbaum *in Cuthbertson et.al* the African Indigenous Churches may be unique and not imitated ecclesiastical organization and structure from their missionary churches. Ecclesiastical church government in the African indigenous churches is not about power and rank but rather about maintaining healthy relationships among its membership (2003:88).

The African Indigenous Churches are popular with difficulties and conflicts rather than success. In the area of self- government they encourage an open passage to criticize leaders. When such a platform exists critics are chased out of the church and then a split is experienced.

It is assumed that a church may be self-governing for decades without doing any self-critical reflection and tie the knots with disputes about its form of government or about which individuals should hold which position in leadership and such a church would be devious and undeveloped.

As Daneel mentioned earlier in *Cuthbertson et.al* that when the founding fathers of a church passes on through death or removal, things tend to fall apart and the vision tends to become watered down.

An illustration is given of Brander, who had a clear idea of what he meant by “catholic” doctrine in the Ethiopian Catholic Church in Zion, and after his death a later leader was applying for government recognition, he explained that the reason for separating from the mother church was preference for “catholic” over Methodist doctrine. and He further acknowledged that he had no clear idea of what it meant; it was merely what he found written in the preamble to the church's constitution.

It is further noted that since the 1960`s the importance of apostolic succession has been decreasing among the Anglicans in South Africa and there was a trend towards intercommunion with non –episcopal churches.

This gave way to Ethiopian type of churches to defend their claim to have apostolic succession through contact with the Easter, Coptic or Ethiopian Churches

(2003:150-151).

The Episcopal system of government a church is administered by archbishops and bishops, and provides for a succession of bishops and their rule over subordinates ministries, this is allude to (Mohapi in Maloma 2011:134).

According to Swartbooï, Asia Marumo notified Pretoria that he has assumed the leadership position of the African Presbyterian Bafolisi Church, after moderator HJ Gaba has withdrawn and that the church is led by office of a bishop in accordance to Episcopal tradition.

And therefore moderators would serve under his office as a bishop, it is reported that changing of title and office of church leaders created dissatisfaction among senior ministers but reluctantly they accepted it.

Swartbooï narrates that later on Asia Marumo voluntarily handed over the leadership position and his bishopric title to MJ Moloï on the 13 April 1979 during an Easter Convention.

Therefore the office of bishop was interpreted to be equivalent to that of a “president” because the late moderator AL Molaba preferred the title of a president in his correspondences with Pretoria, (2014:32).

In the matter between MJ Mokalapa and AL Molaba, Swartbooï records that in the appeal hearings the court agreed with the appellant that the defendant AL Molaba did not have the minutes of the council as proof that the defendant had the authority and power to act and sue on behalf of the church.

And he had nothing to prove that he was acceptably elected moderator and had the authority given to him by the synod, or quarterly minister`s and elder`s conference of acting and to sue.

The court concluded that the defendant failed to prove that the appellant was elected in an irregular manner. It came in the absence of a proper church constitution (2014:35).

It is cited in Swartbooï that the Native Appeal Court in its judgement it was not either satisfied to formally declare that the Rev AL Molaba is solely a proper authorized person to sue on behalf of the church and furthermore, the very same court It could not however find that Rev Manasseh Mokalapa`s election was regular and

constitutional (2014:35, 36).

Therefore the Church was divided to fractions that included immovable and movable properties, both leaders had the onus to prove to the courts that the opposite fraction was not elected constitutionally using the same poor constitution.

It seems that an advice was given to the church that since the African Presbyterian Bafolisi Church had no legal persona in the absence of a fully clad constitution, the church does not have any recourse to a court of law to solve their disputes.

The Acting Judge Masuku held in the matter between New African Methodist Episcopal Church in the Republic of Namibia v Kooper (A 293/2013) [2015], that it must be specifically noted that the status of the constitution as a binding document has been placed an issue, and that the constitution is valid and binding.

Therefore based on the supremacy of the said binding document of the church, there is no criterion set out in the constitution, or any other document of the 1st applicant, including its articles of association, which the court could consider and exercise in determining whether the 2nd applicant is suitable or meets same.

The Presbyterian system of church governance assigns primary authority in a particular office and less emphasis on the individual office and office holder but rather on the series of representative bodies that exercise authority, that's the kirk session, presbytery, and synod.

Church leaders should pursue leadership style and church government system that is in line with scriptures, The Presbyterian form of church government stands out as being closer to the New Testament this is conferred by (Mohapi in Maloma 2011:135-136).

In the latest court case between the African Presbyterian Bafolisi Church of Southern Africa and Motjopi Amos Moloji and others 3248/2015, in the High Court of South Africa, Free State Division, and Bloemfontein the court ordered the respondents and any other person is interdicted and prohibited from using the name of The African Presbyterian Bafolisi Church of Southern Africa.

To cease passing themselves and/ or their organization off as being anyway or manner associated/affiliated to the applicant, its founding father EJ Marumo and the

applicant Church that he founded in 1908.

#### **4.4 Succession plan**

The denominational traditions have a unique challenge in leadership succession, the denominational structure and type of church governance has an impact on a smooth transition depending on the type of denomination.

It is further argued that the independent and free churches traditions have a great advantage in the process of leadership change.

Thumma and Travis maintain that a change in Church leadership can be challenging, it could lead to a significant decline or growth after a leadership change and possibly to a church breakup (Maloma 2011:153).

Maloma further argues that in a scenario where a new leader is appointed from the leadership team that is already being established within the church, the transition is a sign of growth and it advantages to curb break up. It is in the advantage of the Church leadership to have such leader who knows the culture and ethos of the organization.

It is common that the Church governing leadership or council aspire for continuity with the present direction of the church, in a situation whereby an outsider is brought to the church after a wide search it is a sign that the church is seeking a change in direction, and as a consequence both directions can lead to a greater levels of conflict between pastoral direction and church, and at the same phase the transition could be smooth and successful.

According to Swartbooi it is acknowledged that when a new leader is appointed from a leadership team that is already established the transaction becomes smooth, hence the 1974 synod agreed to elect the Rev HJ Gaba who was the vice moderator to substitute the Rev AL Molaba as moderator after his death(2014:45).

It is assumed that since April 1969 Rev HJ Gaba was the vice moderator to the late Rev AL Molaba, and was elected as the moderator of the African Presbyterian Bafolisi Church with communal votes and there were no internal disputes.

It is affirmed that there was stability within the African Presbyterian Bafolisi Church

during the five year term of office of moderator, Rev HJ Gaba, and it is noted that even after his retirement he played a crucial role in bringing stability to the Church (APBC 1979:2; Swartbooi 2014:49).

The leadership style of Rev HJ Gaba affirmed that leadership needs to be defined and understood in company of the mission and vision of the church, it could never exist in the glorification or the personal development of the leader, rather that leadership exist to make possible a preferred future (vision) for your followers (Maloma 2011:86).

Smith in Maloma challenges the traditional way of leadership from the front and argues that leaders must learn to be followers if they are to be successful leaders, they should rely on the capacity and insight of their followers, and at the same time they should set direction, make decisions and inspire commitment to their followers.

Maloma asserts that leaders are called to build team spirit and structure, most leadership teams that are successful involves other people and inspire a family like attitude which produces a team with friendship spirit, a successful organization is founded on an effective leadership (2011:80).

As Swartbooi remarked, “even after he retired the Rev HJ Gaba still played a crucial part in bringing stability to the church, the moderator and his assistant the Rev MJ Moloji, who succeeded him helped each other, and thus the reason that the Rev NS Maboya did not leave the church during moderator Gaba`s leadership term” (2014:49).

Therefore as per Swartbooi remarks it is assumed that there were no schisms experienced during moderator Gaba term of office as the moderator of the African Presbyterian Bafolisi Church.

Maloma`s study concentrated specifically on megachurches and a few of the research participants believed that a succession plan should concentrate around the family of the leading pastor They expressed concern about the need to leave a family legacy.

Meanwhile the other members of the same research participants are of the view that a leadership succession should be planned around the vision and the mission of the church.

## 4.5 The Conclusion

The African Church is so distinctive to the missionary churches that it embodies both the outward form, structure, theology and the original name of her mother church. It is inventive enough to create a new name for itself and preserve their African cultural at the same time.

The leadership concept has been defined in detail but in this context of an African indigenous community or church, it means being well trained and equipped to lead the church of God.

Church leaders should pursue leadership style and church government system that is in line with scripture, and the Presbyterian form of church government stands out as being closer to the New Testament.

It should be taken into consideration that leadership is a calling in accordance to God's sovereign will and that leadership is a calling from God to his people in the church. Leaders are called to a position and a relationship with other leaders and their followers.

A lot of other African Indigenous Churches experienced a series of schisms and the main reason behind the schism is a dispute over leadership position. There are factions of the same church that embrace the thought that church leadership should remain in the family lineage.

Church leadership is not a decision that can or should be taken by the court; who is the next leader? It is a spiritual decision and it is depending on the doctrine and the constitution of one's faith and tradition of the church.

Therefore the same deliberation still exists in the African Presbyterian Bafolisi Church. The one faction believes that a leadership position in the church is hereditary and the other that any qualified person who meets the criteria should be democratically nominated and elected.

It has been the inherited from the humble beginning that a moderator and his executive are nominated and elections are held every five years in accordance to the Presbyterian Church model of governance.

## **Chapter Five: The disintegration of the Church (disobedience leads to disunity)**

### **5.1 Introduction**

The Ethiopian churches or the African Independent Churches exhibited expansion of churches centered on the individual inspiration of a prophetic founder. Many of AIC`s are modelled on the Zionist pattern and others have no real or pretend connection with Zionism.

Ethiopian Christian denominations are modelled by fission (splitting) from white control missionary churches on the part of the emergent educated middle class in Christian community.

Zionism appears to be a reaction to and adaptation of Christianity on the part of the relatively uneducated working class, the impoverished urban masses and they all have a common distinct tendency to incorporate features of African religion.

The national statistics reported that 28 percent of the African population belonged to the African Independent Churches, and that was over a third of Christians (Kritzinger in Prozesky 1990:22).

The continual schism and the prevalence of sectarianism within Christian ranks, explains the disappointment and dissatisfaction among South African Christians with the principle of opening up fresh leadership opportunities through schism. Sustained schism marked the Ethiopian movement or African Independent Churches (Kiernan in Prozesky 1990:22, 23).

Swartbooi notes that in 1974 when Rev HJ Gaba was elected the moderator of the African Presbyterian Bafolisi Church, synod members were supportive to his leadership and there were no conflicts.

In 1978 when the term of office of Rev HJ Gaba as the moderator of the church came to an end, then the vice moderator the Rev MJ Mloi during a synod meeting was elected and took over as the 5th moderator (2014:48).

## **5.2 The 1979 disintegration of the Church**

The conduct of Moderator Rev P Hlakotsa was unconstitutional when he laid a charge against Catherine Mokalapa, the wife to late Manasseh Mokalapa. This led to the disintegration of church in 1979. He presumed to have legal standing as the vice moderator.

He was pursuing and circulating as a Moderator of the Church implying that he has a right and duty to occupy the manse, and that Catherine must vacate the church house, site no.245 at Harrismith location.

It is reported that on the 26th July 1979, Rev P Hlakotsa and Cathrine Mokalapa reached an out of court settlement stipulating that she will vacate the house before the 30<sup>th</sup> of September of the same year.

It is further noted that the Rev MJ Moloi and NG Swartbooi both approach the court to intervene at the best interest of the Church; they approached the prosecutor informing him that Rev P Hlakotsa acted unconstitutionally because he does not accede to the authority and responsibility in accordance to the constitution of the Church to prosecute and sue on behalf of the church.

Rev MJ Moloi and NG Swartbooi mediated on behalf of Catherine Mokalapa, and a written agreement between Catherine Mokalapa and mediators was handed to the court that she would vacate the manse in December 1979, not in September as it was agreed upon with Rev P Hlakotsa and the agreement was filed with the prosecutor (2014:56).

Swartbooi notes that the Church disciplinary procedures were instigated and scheduled for the 22nd September 1979 at Bothaville, against the Rev P Hlakotsa to a Church Council hearing.

The Rev P Hlakotsa did not attend to his defense from charges laid against him and therefore the Church Council suspended him from his position as Moderator. Pretoria was notified of the outcome of the Church Council decision.

Rev P Hlakotsa proceeded with the legal proceedings against Catherine Mokalapa, disregarding and defying the decision of the Church Council, he argued that Catherine has undermined the out of court agreement and the case was heard at the Harrismith magistrate court on the 14<sup>th</sup> November 1979.

The mediators came and testified against the complainant. They argued that the Rev P Hlakotsa is suspended as moderator because of defying the decision of the Church Council. That he has no authority and obligation in according to the constitution to persecute and to sue.

They pointed out that the Rev P Hlakotsa is not the head of the Church in accordance with the 1979 constitution. The Church is led by a Bishop the Rev MJ Moloji (2014:57).

In the matter between the African Presbyterian Bafolisi Church vs Catherine Mokalapa (case 17/82, Swartbooi 2014:58) the Church was compelled to take action against the respondent to vacate the church house.

On the 20<sup>th</sup> March 1982 the sheriff removed John Mokalapa's properties from the manse and persecuted him for not complying with the order of the court. He appealed against the court order in the Supreme Court Appeal in Bloemfontein.

In the appeal case between John Mokalapa vs Jeremiah Moloji (Case no 83/2990) as cited (Swartbooi 2014:58) , it is pointed out that John Mokalapa appealed in court and argued in his presentation papers that the leadership of the African Presbyterian Bafolisi Church is hereditary.

John Mokalapa in his defense related his story that while he was undergoing theological training at a theological seminary, his father Manasseh Mokalapa passed on.

Therefore he is entitled to inherit the leadership of the church, tracing the leadership of this church from his grandfather John Henry Mokalapa, due to circumstances of his training at a Bible School, the synod therefore elected the Rev MM Mokoena to be an interim Moderator.

John Mokalapa's attorneys based their argument on a letter from Pretoria that pointed out that Rev MJ Moloji lacked recognized qualifications as required by government for the church to be recognized and ministers designated as marriage officers.

Rev MJ Moloji's attorney's responded and argued that Manassah Mokalapa was not elected procedurally in accordance to the constitution of the Church and hence he could not lead the church.

The outcome of the case was that the two factions overlook the leadership matter and negotiate to divide the property of the church.

Swartbooi points out that due to a high legal costs on previous court lawsuits the African Presbyterian Bafolisi Church struggled to pay their attorney`s the total sum of R6 942.12 and had an outstanding balance of R3 489.20.

The election of Rev NG Swartbooi to the office of Bishop had a negative impact to the administration of the church. It failed to pay the outstanding balance because it assumed to have paid up the attorney`s account. However correspondence was not handled appropriately.

A letter of demand was sent to Rev PZ Tsatsi the Secretary General of the church on the 17<sup>th</sup> June 1987 notifying that a church building was to be sold to recover the outstanding balance of R3 489.20.

However notice was ignored and on the 28<sup>th</sup> of September 1987, the Harrismith Church building was auctioned and Mr. Jonas Moloi purchased it (2014:60).

### **5.3 In the matter between African Presbyterian Bafolisi Church vs A Letsika (Case No 253/1980).**

On the 3<sup>rd</sup> of May 1980 the Rev MJ Moloi who was the bishop of the African Presbyterian Bafolisi Church transferred the Rev Letsika to Steynrus, for absenting himself from the Church meetings and it was alleged that he has associated with Rev P Hlakotsa, who was suspended and dismissed from the Church.

On the 28<sup>th</sup> of July 1980 both the Rev NG Swartbooi who was the General Secretary and Bishop MJ Moloi visited the Vrede Municipality to notify the municipal manager that Rev Letsika has been transferred to Steynrus.

On the next Sunday service the two leaders in the company of Rev Dukwana went to Vrede notifying the congregation that the Rev Letsika has been transferred to Steynrus congregation.

It is recited in Swartbooi that Rev Letsika resisted to vacate the pastoral charge and Church manse, and take his new appointment and relocate to Steynrus, however his conduct as a minister of religion to refuse to take his new pastoral charge, compelled the Church to charge Rev Letsika at Vrede Magistrate court for misconduct, non-compliance and insubordination to ecclesiastical orders.

It is reported that the Vrede magistrate court judgement was in favour of the African Presbyterian Bafolisi Church and Rev Letsika was ordered to vacate the manse and take his new appointment consequently his goods were sold to pay costs of the case (2014:61).

#### **5.4 The 1985 schism of the African Presbyterian Bafolisi Church**

Swartbooi describes out a full picture behind the breakaway of the Church that led to the formation of the New African Presbyterian Bafolisi Church of South Africa, which was led by the Rev NS Maboya in 1985.

The Rev NS Maboya was charged for not taking directives from Bishop MJ Moloï and consequently a Church council meeting was scheduled for the 21<sup>st</sup> of September 1979 and it requested the two clergy to change their behaviour.

According to Swartbooi the main reason for the conflict was personal conflict between the two clergy more than a matter of ecclesiastical disobedience hence it is reported that the following year a Church Council assembled on the 30<sup>th</sup> march 1980.

The Rev NS Maboya laid a complaint against Bishop MJ Moloï, that QwaQwa as a pastoral charge under his care was divided into four congregations

1. Mmakwane congregation
2. Dithotaneng congregation
3. Phuthaditjhaba congregation
4. Monontsha congregation and assigned to the Rev Lebotsa

The Rev MJ Moloï responded to this complaint laid to the Church Council, that due to the growth of the church membership in QwaQwa as a pastoral charge it required the service of a second minister hence, he appointed the Rev Lebotsa to the above mentioned congregations.

The Rev NS Maboya was not pleased with the outcome of the Church Council which was in favour of Bishop Moloï. He consulted the kirk session concerning the outcome of the church Council, and the latter advised him that the kirk session does not have precedence over the Church Council decision and findings.

Swartbooi further narrates that the General Secretary received a letter of complaints from Rev NS Maboya dated the 7<sup>th</sup> April 1981 laying a charge of defamation of his character against Rev MJ Moloji,

The other complaint was that local Congregation Council is displeased with the division of one huge local congregation into several local congregations to the pastoral care of Rev Lebotsa.

On the 17<sup>th</sup> April the same year a Church Council assembled and the two clergy were summoned to appear before it; the responded in his defense presented new evidence i.e.

(1) A letter addressed to Rev G Gaba from Rev NS Maboya accusing him that he is a thief and a communist, threatening that he would not pay his dues and attends the conference as expected. (2) A letter addressed to Rev Jonas Mahanke was presented stating that Rev MJ Moloji is a thief. (3) A letter from a Women's Prayer Spes Bona member without a church stamp.

The Church Council received a letter of complaint from Rev NS Maboya and evangelist Alfred Tsatsi accusing Bishop MJ Moloji that he is a thief and that he is not familiar with the administration and doctrine of the church.

The Rev NS Maboya did not deny the allegations against him and consequently the Church Council disciplined both the defendants with a six months suspension from their respective ministries.

The defendant in this matter namely the Rev NS Maboya refused to comply with the decision of the Church Council and continued with his pastoral duties. Legal court proceedings that took over a year, was persuaded to resolve the dispute between Rev NS Maboya and Bishop MJ Moloji.

The dispute between Rev NS Maboya and Bishop MJ Moloji worsened between the two clergy persons, that on the 29<sup>th</sup> of September 1981 bishop Moloji accompanied the sheriff to Rev NS Maboya residence to collect church books.

The dispute was reported to the local traditional chief for his intervention, regarding keys of the church that were in possession of Rev NS Maboya. the matter worsened that a physical fight took place.

Rev NS Maboya sustained injuries, and a criminal assault charge was laid against Bishop MJ Moloï, who was found guilty and arrested. On appeal his sentence was overturned.

On the 12<sup>th</sup> of April 1985 the Rev NS Maboya headed a breakaway from African Presbyterian Bafolisi Church and wrote an application letter to the Director General for cooperation and development of his intention to establishing and registering a new Church.

“The New African Presbyterian Bafolisi Church of Southern Africa” was filed as P120/4/5751. He registered the church as established on the 6<sup>th</sup> April 1978. It is assumed that the Rev NS Maboya breakaway from the African Presbyterian Bafolisi Church was due to disregarding Bishop MJ Moloï as a leader (Swartbooi 2014:64).

## **5.5 Disunity within the Church**

The Church of Christ is one and must be seen to be one, and the reason for her to be in unity is assumed to be associated to the mission of the original Church.

According to John 17:20-23 Jesus prayed for the church, “I pray not only for them, but also for those who believe in me, because of their message, I pray that they may all be one”.

Father! May they be in us, just as you are in me and I am in you. May they be one, so that the world will believe that you sent me. I gave them the same glory you gave me, so that they may be one, just as you and I are one:

I in them and you in me, so that they may be completely one, in order that the world may know that you sent me and that you love them as you love me ”(Bible, New International Version 1977: 141) .

It is cited and acknowledged that the world of Jesus as the Messiah and Lord is directly linked to the unity of the church and further that as the world does not possess an organ to perceive spiritual unity, the unity of the church has to be visible.

South Africa is known as denominational mission field, it has all the confessional and theological divisions of the world that has been transplanted by the missionaries, and including the continual rupture and propensity among the African Independent Churches, however to date these disputes are a serious obstacle to effective mission (Saayman in Prozesky 1990:34).

On the 12<sup>th</sup> April 1985 the New African Presbyterian Bafolisi Church of Southern Africa was established and registered with the Department of Cooperation and Development, and was registered as P120//4/5751(Swartbooi 2014:64).

It is reported that on the 6<sup>th</sup> of January 1991 Rev MJ Moloji came with a letter from Pretoria, which recited that Rev Asia Marumo to be the head of the African Presbyterian Bafolisi Church of Southern Africa (Swartbooi 2014:64).

In the High Court of South Africa,Free State Division, in the matter between African Presbyterian Bafolisi Church of Southern Africa v MJ Moloji and Another (3775-2009), The Rev NG Swartbooi approached the courts seeking relief that he be declared a constitutionally elected leader by a synod, and the archbishop of the above mention church that was convened in April at Wesselsbron and further seeking the court to order and prohibit the respondents the Rev MJ Moloji from continuing to minister the church as its archbishop and Mr. DS Mkhwanazi as its General Secretary.

The Rev NG Swartbooi in his affidavits affirmed to the court that in the synods held between 2008 and 2009 it was decided and voted that the Rev MJ Moloji to retire based that He has become very old, and the first respondent Rev MJ Moloji contested and held that He remains the archbishop of the same church, contesting that he never shown and declared to have retired or resigned from office.

Therefore there was a leadership dispute between Rev MJ Moloji and Rev NG Swartbooi for the leadership position of archbishop in the same church, the court in this case advised that domestic remedies have to be exhausted in resolving this conflict and disputes.

The court through affidavits heard and it was established that in the beginning a leader in the African Presbyterian Bafolisi Church was elected for a 5 years periodic term. It was until 1988 when the Rev MJ Moloji second term in office expired that elections were stopped.

The periodic determination of a leader through elections was abolished when the constitution of the church was amended on the 16<sup>th</sup> December 1989; it was confirmed that the church leadership was exaggerated to life time period.

Therefore a leader would vacate office and succeeded by a new one as a result of death or when declared incapacity to perform his duties, and so based on the court affirmations and evidence it is crystal clear that from 1989 the African Presbyterian

Bafolisi Church system of church governance deviated from its true identity and system of governance, as the Presbyterian Church of governance, it adopted an became episcopal (Swartbooï 2014:53).

The court considered the church as a religious organization, and that membership into this institution is by freedom of choice, the membership relationship between an individual person and the church as an institution is retained voluntarily, based on spiritual association characterized by common sharing of identical religious conviction (African Presbyterian Bafolisi Church of South Africa v M J Moloï 2009).

The Presbyterian Church system of governance is representational in character through its councils while the Episcopal system of church governance is hierarchal. The court in this case dealt with the authority of constitution and the governing body of which in this context is the synod in the administrative functions of the church in resolving disputes and conflicts.

The Presbyterians believe in the ministry that is representative in character, which all ministers that are authorized for the ministry of the word and sacraments, are equally in rank and power, ecclesiastical power is invested with a body of representative elders in the councils. In the Presbyterian system of church governance a synod is a council in which the teaching and ruling elders are vested with the responsibility and care of the whole church (Swartbooï 2014:10).

The court considered the question of quorum for convening the synod, if all members of the synod as the supreme council were represented and their credentials examined (African Presbyterian Bafolisi Church of South Africa v M J Moloï 2009).

It is assumed that the African Presbyterian Bafolisi Church of Southern Africa like any association is founded on an underlying notion of mutual agreement symbolized by an adoption of a constitution, and therefore any member who affiliates to a church is expected to subscribe to the fundamental beliefs, rituals, ethos and convictions of the said church, because the constitution determines the nature and scope of the association`s existence and activities.

The constitution as a supreme law of the church supplementary prescribes the power of the various officials, also to the structural organs of an organization in this instance the church, the court in this case further advised that domestic remedies have to be exhausted when resolving conflict and disputes, since it predominates any resolution of the church.

It further demarcates powers to individual officers and structural organs of an association, members are bound to the constitution of the church in as the founding fathers were, of which it affirms the infinite life span of the church. The court in this case examined and weighed the balance between the supremacy of the synod as a supreme governing body of the church of which its resolutions, findings, decisions, orders and directions are binding to the whole church in comparison to the supremacy of the constitution which mark out power to both members, officers and structural organizations.

It was concluded that in such a debate a synod decision is subjected to the constitution supremacy, it is learned that when a conflict and dispute arises between the church and its member's domestic relief must be exhausted before relief and remedy sought in a court of law. (African Presbyterian Bafolisi Church of South Africa v M J Moloji 2009).

## **5.6 The defiance of the synodical decisions of 2009.**

Among other reasons that lead to the disintegration of the church is experienced when the highest officers and the leadership misappropriate church funds for personal gains and benefits and resisting to account to their members (Molobi 2011:6)

The defiance of the synodical decision led to the fragmentation of the Church in 2009. It is recited that on the 10<sup>th</sup> of March 2009 the synod officers went to the bank to request a Church financial statement / balance and the financial statement had a balance of R18 514, 70 from a R135 737, 00 that was deposited in the last financial year and half.

The court through filed affidavits heard how the Rev MJ Moloji refused to hand over statements and account for funds collected at Qwaqwa during the 2009 Conference, and the court responded that the church must exhaust its internal remedies before seeking redress from the court (African Presbyterian Bafolisi Church of South Africa v M J Moloji 2009).

The original constitution provided that the moderator shall be bounded and obliged when called upon, either at the Annual Synod or Quarterly Ministers and Elder's Conference, to give a full account and resume of all his transactions, dealing and all matters appertaining to his office as moderator in the interest of the Church (APBC, 1915:6).

The section 4(b) provided that among other duties of the moderator is to manage the finance of the church with the treasurer of the conference and to make payments and withdrawals on the church banking account in the name of the church, and section 4(d) further provided that the moderator has a duty to administer and oversee the carrying out of all decrees, decisions and orders of the Synod (APBC, 1915:22).

The section 7(c) (i) constitution of the said church provides that the Bishop is the Chief Official Overseer of the whole church, it is the bishop`s duty to carry out effectively the resolution of the synod and administer church affairs and (iii) further provides that the bishop shall manage all financial transactions together with both the general secretary and the treasure, they all have the duty to report to the synod (APBC, 1978:7).

The section 14.3(1) provided that the arch –bishop is the executive officer of the church, (ii) further provided that it was within his duties to carry out effectively all decisions, and resolutions of the synod administrative affairs of the church, subsection (iv) and (v) provided that he is responsible to manage all financial transactions together with the General Secretary and treasurer

The section 11(d) of the 1989 constitution provides for the suspension of members of our ministry when they misuses church monies

## **5.7 The 2009 intractable leadership squabble.**

Leadership is deduced as a calling from God to his people; leaders are set apart to a position of authority and to a relationship among themselves as leaders and their followers (Lee in Maloma 2011:84).

the 2009 leadership squabble pointed to the parting of the Church between the Rev MJ Moloi and the Rev NG Swartbooi in their discussion held on the 3<sup>rd</sup> of March 2009, where an application letter to register the APBC with the National Register of Independent Churches (NRIC) was brought up to be signed endorsing that Rev MJ Moloi is the leader of the Church and Swartbooi reports that he declined to attach his signature (Swartbooi 2014:79).

It is attributed in Swartbooi that between the 5<sup>th</sup> of April and 20<sup>th</sup> May 2009 the Rev MJ Moloi went to various congregations, announcing that he is the leader of the Church, consequently the tussle for leadership between the two clergy became crystal clear.

A Special Synod was summoned at Bethlehem to amend the constitution on the 4<sup>th</sup> June of 2009. A day before the sitting of the Special Synod the residential minister Rev Tsotetsi received a court order prohibiting such a meeting, it declared that Swartbooi has no authority to summon such a meeting.

In the matter between the applicant, Mahlola Jeremiah Moloi in his capacity as the representative of the African Presbyterian Bafolisi Church of SA and the Respondent, that Mr. Ntleli Gabriel Swartbooi.

The court order restricted the respondent that he must not convene and preside over a church meeting scheduled for the 4<sup>th</sup> July 2009 in Bethlehem or at any other time and place pending the return day, and that the respondent must not perform any of the leadership functions of the African Presbyterian Bafolisi Church of SA.

The court further ordered the respondent to end misleading Church members by calling himself Archbishop of the African Presbyterian Bafolisi Church, the respondent was summoned to attend a synod meeting called by the applicant on the 18<sup>th</sup> July 2009 at Harankopane Village, QwaQwa(Swartbooi 2014:80).

In principle the Rev NG Swartbooi was excused from the meeting and however a provisional and alternative procedure was effectively taken. It was decided that Rev SJ Motsitsi should preside as a moderator of the Church, and therefore the meeting continued (Swartbooi 2014:81).

The synod meeting held at Bethlehem accused and charged the Rev MJ Moloi with misconduct and summoned him to a disciplinary hearing scheduled for the 18<sup>th</sup> June 2009 at Bolata village in QwaQwa.

In the matter between Mahlola Jeremiah Moloi and the 1<sup>st</sup> Respondent, Ntja Alfred Tsatsi and the 2<sup>nd</sup> respondents all other reverends and senior members of the church.

The Rev NA Tsatsi was interdicted and restrained from convening a judicial committee meeting scheduled for 18<sup>th</sup> July 2009, and any other gatherings including synod, church conference at any branch or circuit, at any other time without the instruction of the applicant (2014:82).

In the Presbyterian Church of Africa v Sihawu and Others (3375/12) [2013] ZAECHC 36 (25 April 2013) Judge Goosen pointed out that "One would hope however that an appeal to the rationality of the characters to this dispute and those legal practitioners who represent them, would cause them to seek a solution other

than episodic litigation which appears to serve little purpose other than to entrench the enmity and to provide fuel for still more conflict within the Presbyterian Church of Africa.”

The Church may not even have a procedure for exclusion, meaning the Church may not even be allowed to remove a member once they have been added to membership.

Time may come for the church to have a member removed, when a church member publicly or privately and without repentance lives a lifestyle that is contrary to Scriptures.

The Church needs to amend the bylaws it should not assume that a Church member living in unrepentant sin will go down quietly. The largest source of church disputes concerns such matters and the provisions of the bylaws regarding how these bylaws are to be interpreted and applied; the procedure for application must be precisely described in the bylaws.

## **5.8 Conclusion**

In this chapter we have looked at disobedience as the other factor to the historical schisms of the African Presbyterian Bafolisi Church of Southern Africa since from 1978 up to 2010, primarily based to the leadership of the Rev MJ Moloi, who in his term of office the African Presbyterian Bafolisi Church system of governance and order has changed dramatically from Reformed or Presbyterian tradition to Episcopal system.

Relying on written and oral sources it is conclusive that the life and work of the majority of the AIC leaders was never smooth because of several allegations and disputes over the leadership of the church.

It is to be understood that from the 1970`s onwards the desire for leadership and status in the church explains the numerous of successive schisms in the church, it may be interpreted negatively at first but on the other angle it may be perceived positive as a sign of church growth.

At more than one point the theological training and qualifications of a leader was in question as a requirement for a leader to be accepted and the church to get government recognition.

On several occasions there is reappearance of Asia Marumo asserting the right to the leadership of the church, as an inheritance from his late father the Rev EJ Marumo, as the founder of the church.

The defenses of those in a leadership position against the claim of inheriting the church has been that leaders are nominated and voted into a leadership position for a period of five years.

The same approach is realized when the Mokalapa`s continually alleged the inheritance over the church as a family possessions, on the same note there were allegations made that the Rev MJ Moloji had no theological training and as such was not equipped with necessary skills in terms of administering the church.

This point was further raised by Rev NS Maboya and Evangelist Alfred Tsatsi propagating that Bishop MJ Moloji is not accustomed with the church.

The resistance of a leaders to retire after a long service due to financial benefits and security, lead the church to experience severe financial and economic problems, and the ecclesiological order and polity to be compromised, as from 1978 to date it is the same reasons that gave birth to a faction of the New African Presbyterian Bafolisi Church of Southern Africa and the same reasons still occur and experienced today.

In APBC of SA v Moloji and Another court (3775/2009) [2010] it was concluded that where there is conflict between a resolution and a constitution of a church, a resolution must submit to the constitution.

The court further concluded that in this leadership disputes that the church must exhausts its` internal remedies before seeking court`s intervention.

In the Presbyterian Church of Africa v Sihawu and Others (3375/12) [2013] ZAECGHC 36 (25 April 2013) it was determined that the Presbyterian Church of Africa as an indigenous Church is struggling with ongoing leadership dispute and seeking prohibitory interdict and similar issues were raised following a similar pattern.

## **Chapter Six: The 2008 debate, “Is Presbyterianism entrusted to individualism or councils?”**

### **6.1 Introduction**

It will be helpful in this chapter to understand the ecclesiastical order and polity of the African Presbyterian Bafolisi Church in comparison to other reformed and Presbyterian systems of governance.

The African Presbyterian Bafolisi Church belongs exclusively to the category of the African Independent/Indigenous Church movement, in comparison to other Presbyterian and reformed sister churches because it has no inter associations with any of the mission churches.

Hayes in Cuthbertson et al points out that many of the Ethiopian denominations have been molded by schism from mainline denominations, and possibly as a result the mainline church scholars prefer not to engage with them because probably the wounds of schism are still fresh and painful, or most likely they still identify them as competitors.

Hayes further indicates that the Ethiopian type of Churches have maintained the theology and ecclesiology of their mother churches and sought to conserve them and this demonstrates their less explicit theological innovation (2003:137-138).

It is presumed that Rev Ephraim Jasone Marumo in the beginning had no intentions to institute a denomination that is distinctively different to the reformed and Presbyterian system of governance hence it is assumed that he adopted the Presbyterian order and church governance(Swartbooi 2014:10).

The local Churches are represented by the kirk session of each local congregations who choose, vote and lead according to how the Lord leads them (2014:4).

It must be acknowledged that initially the Rev EJ Marumo adopted the Presbyterian system and model of governance, meaning the church was governed by ruling elders and clergy personnel who composed the regional gathering of churches; they were known as quarter conference in accordance to the 1915 constitution.(APBC,1915:7).

The synod is main committee that is responsible for the administration of the entire church organization as well as its leadership, and its decisions are binding when aligned with the constitution (Swartbooi 2014:10).

It should also be noted that all along the Rev EJ Marumo had a memorandum of understanding with Rev PJ Mzimba, which included a permit to purchase wine for communion, and the permit was exclusively for Harrismith district(Swartboo 2014:11).

It was later in history when leaders were applying for government recognition to the commissioner of native affairs that they were interrogated and requested to submit a copy of the constitution and minutes of the elective assembly or synod, to affirm the purpose and mission of establishing African Churches (De Grunchy 1979:43-44).

## **6.2 What is Presbyterianism?**

The church is a living entity or body ,it is a visible assembly meaning that it is an organization and Jesus Christ is its head, it is strengthened by the Holy Spirit ,tracing its origin from a Greek word ecclesia from which the term ecclesiastical is derived(Smallman 2003:22).

The New Bible Dictionary refers to presbyter and presbytery to mean “elder” or “eldership” and trace the origin of this term from Greek terminology presbyteros or presbyterion to mean priest. (1982:964)

"Presbyterianism" refers the representational form of church government called Presbyterian ,where its governing authority is given to elected congregation's lay leaders known as "elders" (or "presbyters"), who work with the ordained minister.<sup>4</sup>

The English name Presbyter alludes to the ministry of both the ordained clergy and ruling elders in the church, exclusively to the clergy as ministers of the word and elders as officers in the church, representing the congregation in the session (Gray and Tucker 1998:04).

The Presbyterian Church and other churches are assumed to have based their polity which is the organisational structure and system of rules that governs a church on scriptural authority, as the primary principle and further it is further assumed that as a secondary principle the Presbyterian Church polity is based on reasoning, sound judgement under the inspiration of the Holy Spirit. (Gray and Tucker 1998:04).

There is biblical evidence from both the Old Testament tradition that a religious organization was led by elders and that the New Testament church followed the same pattern of leadership (Smallman 2003:22).

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<sup>4</sup> <http://www.religionfacts.com/presbyterianism> retrieved on the 27/05/2017

It is further assumed that the church traces this ecclesiastical order where elders responsible for governance over the Israelites as a nation is recorded in the scriptures that : “1 Then Moses and the elders of Israel charged the people, saying, “Keep all the commandments which I command you today. 2” So it shall be on the day when you cross the Jordan to the land which the LORD your God gives you, that you shall set up for yourself large stones and coat them with lime...” Deuteronomy 27:1, 2.

“3 So all the elders of Israel came to the king at Hebron, *and* King David made a covenant with them at Hebron *before* the Lord, and they anointed David king over Israel.2 Samuel 5:3.

In the New Testament 1 Peter 5:1, 5. “So I exhort the elders among you, as a fellow elder and a witness of the suffering of Christ as well as a partaker in the glory that is to be revealed and likewise you that are younger be subject to the elders. Clothe yourselves all of you, with humility towards one another, for God opposes the proud, but gives grace to the humble”

“And from Miletus he sent to Ephesus and called to him the elders of the church “Acts 20:17, in Acts 14:23 it is recorded that,“ And when they had appointed elders for them in every church, with prayer and fasting they committed them to the Lord in whom they believed” and in Titus 1:5 Paul addresses Titus saying, “ This is why I left you in Crete, that you might amend what was defective, and appoint elders in every town as I directed you”(Bible, New International Version 1977: 268).

It have to be highly noted that according the Presbyterian polity there is no hierarchy of presbyters, they uphold to the fact that in the scriptures the term “bishop and elder” refers to the same office, the clergy are distinctive to elders by virtue of their ordination which set them apart to the ministry of word and sacraments, however when coming to governing bodies they are equals.

Therefore the Presbyterian polity is very different in the sense that both the clergy and ruling elders are governing the church jointly and this rule applies to the elected office bearers that the powers is limited in accordance to the constitution and for the stipulated term in office in contrast to the Episcopal Church governance where there is a hierarchal social order, an individual personality dominates in leadership (Gray and Tucker 1998:04).

### **6.3 The traditional Presbyterian ecclesiology**

The Church is uniquely spiritual and it also has human elements in the sense that is a human organization, it requires structures and systems of rules in order to carry its mission.

It is a fact that every structure functions under rules, and it is significant for every structure, to have its rules to be proficient and accurate (Gray and Tucker 1999:01).

Presbyterianism refers to a system of Church governance whereby a confederation of Churches unite in a common profession of faith that advocates a hierarchy of ecclesiastical assemblies, meetings or courts, in which a careful balance is maintained between clerics and laity.

The nature and multiplicity of Jurisdiction as well as the form of procedure are carefully recognized in a book of Church order. The Presbyterian Church system of government is well established and the principle of accountability for local Churches or congregations as well as the individual minister is glowing as a mechanism for appeals by those who deem themselves aggrieved (Nicole in Conn 1990:153-154).

The reformed or Presbyterian Church holds to a fundamental principle that Christ is the head of the Church because it him who instituted its office and clothed its officers with authority.

Christ speaks through these ecclesiastical officers and their office, therefore this nature of Church governance system is scriptural, and many of its details are determined by human wisdom.

In relation to Church officers there are extraordinary and ordinary officers of the Church, and extra ordinary officers are Apostles according to the New Testament, referring to only the twelve chosen by Jesus and Paul, referring to individuals who had their commission directly from God or from Jesus Christ. (Berkhof 1991:290).

Ministry in both the reformed and Presbyterian tradition is representative in nature, the teaching and ruling elders both stand as Christ ministers and they perform their ministries as servants of the Lord because they do their ministry in Christ`s name.

On the same note in the presentation of prayers, gifts of offerings and the Holy communion elements they minister on behalf of the people as representatives to God (Torrance1965:77)

The Church of Scotland acknowledges the Word of God, which is contained in the scriptures of the Old and New Testament, to be the supreme rule of Faith and therefore based on the above statement, she upholds the biblical validation on ordination tracing from the scriptures that, “the priestly and the Leviticus ministry was trusted with the reading of the Word” Deuteronomy 31:9-11.

Nehemiah 8:1-3,13, “And all the people gathered themselves together as one man into the broad place that was before the water gate ; and they spake unto Ezra the scribes to bring back the book of the law of Moses , which Jehovah had commanded to Israel , And Ezra the priest brought the law before the assembly ,both men and women ,and all that could hear with understanding, upon the first day of the seventh month ,and He read therein before the broad place that was before the water gate from early morning until midday, in the presence of the men and women, and those that could understand ;and the ears of all the people were attentive unto the book of the Law ”

Nehemiah 8:13, “And on the second day were gathered together the heads of fathers houses of all the people, the priests and the levites, unto Ezra the scribe, even to give attention to the words of the law”.

In the New Testament the gospel according to Matthew 23:34 records Jesus commissioning his disciples saying that, “I am sending you prophets and elders and teachers”.

Therefore based on this principle the Church of Scotland believes that since Christ has instituted a government and ecclesiastical officers and also given ministry, oracles and ordinances of God to the church and her officers therefore the ordination of minister should be continuous, and that the ordination of ministers of the word of God is to be conducted by imposition of hands and prayer, with fasting by the preaching presbyters done with due care, wisdom and solemnity (Torrence et al.1965 :72).

The second class refers to Prophets these are men with special gifts to speak for the edification of the church and are occasionally instrumental in revealing mystery and prophesying the future.

The third class refer to Evangelists these are people who traditionally accompanied and assisted the Apostles in carry out their work, through preaching, appointing officers and exercising discipline.

Ordinary officers refer to Elders who were elderly men in the community and they worked as overseers in the Church, then we have the teachers whose function is to teach and testing against increasing heresies.

The last officers are Deacons who assumed a special form of diaconate work and they are assigned to a temporary and a special function which is demanded by their appointment (Berkhoff 1991:292-294).

Elders are core leaders with status in congregations in the New Testament times, and there are identified categories of elders which are teaching and governing elders, hence today`s pastors are part of the recognized local congregations elders and mostly accepts a teaching office (Maloma 2011:123).

Calvin made a radical pattern of Church government system of through introducing lay ministers who helped to govern the Church, Presbyterianism refers to leadership by elders, the term presbyter is traced from the Greek word meaning elder, and reformed Churches follows this pattern of Church government (Smallman 2003:22-23).

In the Presbyterian and Reformed churches the ruling power relies with the local consistory and then it is passed on to classes and synods, meaning that every local ecclesiastical congregation has a certain measure of autonomy and their power ceases as soon as it affiliates with the next congregation(Berkhof 1991:291)

The ecclesiastical structure of the Presbyterian Church involves its church assemblies: the book of order cites that a congregation is the basic form of the church, the session is a council responsible for governing the congregation however the congregations are bound together in communion with each other, as communities of faith into a presbytery, which is responsible for assisting and supporting congregations through developing mechanism and processes to the mission settings.

The Presbytery is a council composed of ruling elders and commissioners elected by the sessions of the congregations within its district, the presbytery has the responsibility to coordinate, guide, encourage, support, and supply the work of its congregation.<sup>5</sup>

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<sup>5</sup> [http:// www.comhandbook.pdf/presbtry](http://www.comhandbook.pdf/presbtry) retrieved on the 26/09/2017.

A synod is an intermediate council serving as corporate expression of the church through its regions and it is responsible for the life and mission of the church throughout its regions and for supporting the ministry and mission of the presbyteries.

The General Assembly is the council of the entire church; it is the representative of the synods, presbyteries, sessions and congregations of the Presbyterian church of United State of America according to G-3.05 in the Book of order.

The Presbyterian church of United State of America follows the reformed tradition which is the Theological tradition of the Presbyterian and other Reformed Churches, according to F-1.0-2.0 in the Book of order.

The Presbyterian Church of (U.S.A) and the church of Scotland endorses and retains the reformed ecclesiology, according to which it adopts the ministry of all believers, meaning that in the reformed tradition the ministry and calling of all believers is upheld through ordination of teaching elders and the elections of ruling elders is representational ministry.

#### **6.4 The African Presbyterian Bafolisi Church in comparison to the Uniting Presbyterian Church in Southern Africa**

In comparison to the Uniting Presbyterian Church in South Africa as a reformed church model that is most preferred, it is pointed out in the manual of faith and order of the Uniting Presbyterian Church in Southern Africa that the Presbyterian form of church Government is held to be grounded upon the scriptures (2007:iii).<sup>6</sup>

The African Presbyterian Bafolisi Church from her origins is evident that through its structural components that it aligned her governing system with the reformed tradition, and has maintained the reformed governing organization.

According to the 1915 constitution of the African Presbyterian Bafolisi Church, it provides that the local congregation is governed by the kirk session, the next ecclesiastical body was known as the quarterly meeting, which in the reformed tradition is commonly known as the Presbytery meeting.

The synod is held to be the highest court that is responsible for the governance of the entire Church affairs as well as leadership matters and her resolutions are binding to the entire Church (Swartbooi 2014:10)

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<sup>6</sup><http://unitingpresbyterian.org/our-faith/manual-of-faith-and-order/> retrieved on the 27/05/2017

Presbyterianism refers to leadership by elders, tracing the term presbyter from Greek word meaning elder, and all reformed Churches followed this pattern of Church government, (Smallman 2003:23).

It is further recited that John Calvin made a radical in the pattern of system of Church government through reintroducing lay ministers who helped to govern the Church, he named the ministers teachers or pastors instead of priests and later in history these titles were replaced by ruling and teaching elder(Smallman 2003:23).

The Reformed Church holds to the view that a Church or a congregation is more than a characterization of a local congregation, rather to a visible Church united beyond a local congregation and based on the principle that the reformed Church rejects the independent congregations.

Presbyterianism further discards the view that Churches should form a hierarchy led by a Pope or a bishop (Smallman 2003:22-23).

The Manual of Faith and Order of the Uniting Presbyterian Church of Southern African determines the election and tenure of office.

According to paragraph(4) of the manual of Faith and Order of the Uniting Presbyterian Church in Southern Africa, which is about the form of government of the Church and it is point out in paragraph(1.8) that the their system of governance is Presbyterian which is held to be scriptural.

Paragraph (1.9) describes structure of the Presbyterian Church pattern of government that congregations are organized for the orderly administration of their respective affairs; however they are not separate Churches and independent of each other, but they are integral parts of one and the same Church.

They have a common doctrine and are subject to a common system of church government exercised through the Councils of the Church, which link together the several Congregations as organic members of one body for the glory of God.

Paragraph (1.10) stipulates that the Council of the Church is the Session, the Presbytery, the Synod and the General Assembly, and that each consist of Ministers and Elders.

They ascend in order of authority from the Session through the Presbytery and the Synod where such council exists to the General Assembly which is the supreme

Council of the Church.

Paragraph (1.11) is clear to say that over each Council a moderator presides and it further points out that in the Session a minister of a congregation is the moderator, a higher Council has an obligation to elect its Moderator from its members.

The main purpose is clarified in paragraph(1.12) which recites that this system of church government are the manifestation of the unity of the Church, the maintenance of a united testimony to the truth ,mutual counsel and support, the faithful exercise of discipline, and combined effort in the furtherance of those ends for which the Church of Christ exists.

According to chapter 10, paragraph (10.9) the presbytery elects a Moderator from among its members, the Moderator continues in office until a successor has been inducted, this implies that the nomination of a moderator is conduct a year before the end term of the present moderator and this has the advantage of knowing the culture and ethos of the Church, this serves the purpose of continuity with the present leadership, and this switch mostly proceeds smoothly and successfully.

Paragraph (10.14 ) provides that should the moderator die or resign, or any reason be removed from office during his/her term, and that situation his/her predecessor or any former Moderator acts until a successor is elected at the next ordinary meeting of the Presbytery.

And should there be no former moderator in the Presbytery; the clerk nominates a member of Presbytery to act until the next ordinary meeting of Presbytery at which it elects a successor.<sup>8</sup>

The responsibilities and duties of a moderator are stipulated in paragraph(10:16-17), among others is that(a) the moderator presides over a meetings of the Presbytery, takes precedence over its members, and acts officially on its behalf but is subject to the Presbytery in all matters and abides by and acts upon its decisions.

(b) The moderator acts as pastor to all ministers and probationers within the Presbytery.

(c) The moderator may be invited by any minister or session of a congregation within the boundaries of the Presbytery to visit that congregation to mediate between and / or counsel any parties within the congregation.

Paragraph (10:17) recites that it is the duty of a moderator to constitute and conclude

each meeting with prayer, or other devotions.

To preside in a meeting and to keep order, and announce decision.

To sign the minutes and generally to speak and act officially in the name of the Presbytery as instructed by it.

The election of a moderator in the African Presbyterian Bafolisi Church is distinctive that it is the prerogative of the presiding bishop/president to nominate and appoint the moderator of a Presbytery in accordance to section 6. (d)(l) of the 1979 constitution, which stipulate the procedure of nomination and term of office that the Bishop shall appoint among the senior ministers, moderators, to assist him, advise him and act on his behalf and presiding only when instructed by him.

The seniority of ministers who qualifies for that office is evaluated based on faithfulness, development of their circuits and good character, and section 6.15 of the 2013 Constitution stipulates that any ordained minister can be appointed the presiding bishop, if such minister has served satisfactorily for a period not less than four years and the candidate is suitably qualified.

In comparison to the Uniting Presbyterian Church in Southern Africa, paragraph (10.9) describes how the presbytery elects a moderator from among its members, the moderator continues in office until a successor has been inducted.

The Manual of Faith and Order of the Uniting Presbyterian Church of Southern African determines the election and tenure of office in accordance to paragraph (10.10-14).According to the Manual of Faith and Order of the Uniting Presbyterian Church in Southern Africa (2007), paragraph 12.8 describes the office of the moderator of the General Assembly.

It recites that the Assembly elects a moderator who must be a Minister or Elder who is involved in the work of the Church or is retired, He/she continues in office as moderator until his/her successor has been inducted.

The procedures for the election of the moderator are set out in paragraph (12.8-15), which stipulates that a moderator of assembly is elected at the ordinary meeting of the assembly before that at which he/she take office and that he/she holds the title of Moderator Designate until taking office and procedurally the Clerk of the Assembly notifies the clerk of the Presbytery of the appointments Presbyteries to make to the Assembly, and of the right of Presbyteries to nominate a candidate as Moderator Designate.

An interesting part is that is that Presbyteries are not bound to make such nomination.

The nominations of the Moderator Designate are expected to reach the Clerk of Assembly at least by the 30<sup>th</sup> of June and the nomination form must go along with nominee's written consent together to submit to the Clerk of Presbytery before the name is proposed in the Presbytery meeting.

The said documents together with a brief biographical statement about the nominee and a brief motivation, the said documents of the nominee's names are circulated to members of the Assembly, together with other papers for the meeting at which the election is to be held.

Paragraph (12.13 ) (c) provide that if on any ballot a candidate receives more than half the votes cast he/she elected, if not the name of the candidate with the fewest votes falls away and a new ballot is taken.

In a case where two or more candidates receives the fewest number of votes, the Assembly decides whether the names of all those candidates fall away or an intermediate ballot is taken to decide which name falls away.

Paragraph (12.13)(d) further provides that if more than one ballot is necessary after the first ballot the names of the remaining candidates will be listed in order from the one who has received the most votes to the one who has received the least.

The number of votes each candidate received in the previous ballot will be listed next to his/her name, then the Clerk of the Assembly will inform the losing candidate(s) present at the meeting, immediately the result of each ballot is known.

In a case where a candidate is absent at the meeting then the Clerk informs him/her of the outcome of the voting as soon as possible after the final results is known.

Finally on election, if the Moderator Designate is present, the Moderator presents him/her to the Assembly providing an opportunity for him/her to address his implies that the nomination of a moderator is conduct before the end of term of the present moderator and nominated Moderator holds the title of Moderator Designate until taking office.

This has the advantage of knowing the culture and ethos of the Church, this serves the purpose of continuity with the present leadership, and this switch mostly

proceeds smoothly and successfully.

## **6.5 Conclusion**

The origin of African Presbyterian Bafolisi Church of Southern Africa is founded on the 12<sup>th</sup> September 1908, Rt Rev EJ Marumo is its founder from the period when Ethiopianism exploded among the African Indigenous Churches, which are a breakaway from the missionary Churches (APBC 2013:2).

They are independent in character, structure and as institutions of faith; however they mostly maintained their mother Church order and governance.

Although the African Presbyterian Bafolisi Church had no link and association with her sister churches, her system of Church governance remained to be of Presbyterianism or Presbyterian position.

This is clearly seen when studying the historical development of the African Presbyterian Bafolisi Church from her genesis and nature to the present and contemporary organization in comparison to other Presbyterian and Reformed traditional Churches.

It is evident enough through the historical accounts given by Swartbooi that when the Rev EJ Marumo broke away from the (PCA) Presbyterian Church of Africa in 1908 he adhered to the Presbyterian Church system of Church governance (2014:03).

It is assumed that in the beginning the African Presbyterian Bafolisi Church though it has elements of being an indigenous African Church, simultaneously it has inherited the characteristics of the Free Church of Scotland through her mother church (PCA) Presbyterian Church of Africa.

The African Presbyterian Bafolisi Church inherited Reformed Church's tradition that the ordinary ministry is in two kinds, firstly with the Presbyters or bishops who labored in the Word, dispensing the ordinances, while Elders and Deacons assist in the ministry of the Word and Sacraments.

In the reformed tradition both the office of the Presbyter and Bishop apply to the same order, and it is held that the office of a Presbyter it must be an ordained person who is to disperse the Word and Sacraments, a teaching or ruling Elder is a

representative of the people, they are nominated and appointed by the kirk session and they are not ordained but only set apart with prayer.

The ruling and teaching elders are to represent their kirk sessions in the Presbytery meeting and to the synod or to the General Assembly as delegates.

The most interesting part of this study is the examination of the African Presbyterian Bafolisi Church in comparison to other Presbyterian Churches and reformed traditional churches namely the Uniting Presbyterian Church of Southern Africa and other Reformed Churches, and how do they nominate and elect their leaders.

The local congregation was governed by the kirk session in accordance to the 1915 constitution of the African Presbyterian Bafolisi Church, the subsequent ecclesiastical body was known as the quarterly meeting, which in the reformed tradition is commonly known as the Presbytery meeting and the synod is held as the highest court that is responsible for the governance of the entire church affairs as well as leadership matters, and her resolutions are binding to the entire church ( Swartbooi 2014:10).

In the African Presbyterian Bafolisi Church the election of a moderator is distinctive and it's exceptionally the prerogative of the bishop/president to nominate and appoint the moderator of the Presbytery in accordance to section 6. (d)(i) of the 1979 constitution.

It further stipulated the procedure of nomination and term of office that the Bishop shall appoint moderators among the senior ministers, to assist him, give advice to him and to act on his behalf and presiding only when instructed by him (APBC, 1979:5).

In the African Presbyterian Bafolisi Church the section 6.1.5 of 2013 of the constitution provides that seniority of ministers is one criterion applied to measure the credibility of who qualifies for that office and the candidates are evaluated based on faithfulness, good character and development in their respective circuits.

It further stipulates that any ordained minister can be elected and appointed the Presiding bishop, if such a minister has served satisfactorily for a period not less than ten years and the candidate is suitably qualified(APBC 2013: 116).

In comparison to the Uniting Presbyterian Church in Southern Africa, paragraph 10.9 describes how the presbytery elects a moderator from among its members, the moderator continues in office until a successor has been inducted.

The Manual of Faith and Order of the Uniting Presbyterian Church of Southern African (2007) determines the election and tenure of office in accordance to paragraph (10.10-14).According to the Manual of Faith and Order of the Uniting Presbyterian Church in Southern Africa (2007), paragraph 12.8 describes the office of the Moderator of the General Assembly.

It recites that the Assembly elects a moderator who must be a minister or elder who is involved in the work of the church or is retired, He/she continues in office as moderator until his/her successor has been inducted.

The procedures for the election of the moderator are set out in paragraph (12.8-15), which stipulates that a moderator of assembly is elected at the ordinary meeting of the assembly before that at which he/she take office and that he/she holds the title of Moderator Designate until taking office and procedurally the Clerk of the Assembly notifies the clerk of the Presbytery of the appointments Presbyteries to make to the Assembly, and of the right of Presbyteries to nominate a candidate as Moderator Designate.

Paragraph (12.13 ) (c) provide that if on any ballot a candidate receives more than half the votes cast he/she elected, if not the name of the candidate with the fewest votes falls away and a new ballot is taken.

In a case where two or more candidates receives the fewest number of votes, the Assembly decides whether the names of all those candidates fall away or an intermediate ballot is taken to decide which name falls away.

## **Chapter Seven: The Summary and conclusion**

### **7.1 The aim of this chapter**

In the light of the literature review and chapter conclusions discussed this chapter aims at integrating the whole study through a conclusive summary on investigating the causes of continual schism within the African Presbyterian Bafolisi Church of Southern Africa and suggest some recommendations to curb these continual splits within the church.

## 7.2 The conclusive summary and recommendations

To achieve the aims and objectives of this research study, we need to evaluate whether the research questions have been answered throughout this project, because these research questions will serve as a guideline in this chapter.

### 7.2.1 Research questions:

- (a) Is there a common cause for the continual splits within the African Presbyterian Bafolisi Church of Southern Africa and if so, what is it?

It is assumed that the alleged ancestral call of the Rev SJ Molantoa to become an African traditional healer is among other key reasons that led to the first schism of the African Presbyterian Bafolisi Church in 1938.

According to Oosthuizen in Modiko (2011:3), it is held that in African culture ancestors are not worshipped but rather they are honoured, and venerated they are acclaimed to be holding power in judicial, sociological and supernatural significance.

They determine destiny and exercise influence in the life of the living, protecting and watching over the living based on their supernatural power and related relationship with the living and their descendants.

Mofokeng in Coertze points out that ancestors are defined as guardians over the living and hence life and survival from this power is inseparable, while the traditional African way of life was assumed to be pagan or rather evil by the white missionary Christians. They held that the African way of living could not lead to eternal life and African Christians were led to believe that ancestors had been damned (2005:47).

According to Molobi, the struggle for leadership and mismanagement of funds are among key causes and disputes resulting in fractions among the African indigenous Churches (2011:02).

According to the study the schisms and disputes relates to fundamental disagreements regarding the legitimacy of the leadership within Churches. This leadership quarrel has tormented the churches for a number of years, and has given rise to numerous High Court applications over the past many years.

There are more than a dozen judgments of different courts in matters related to

ongoing leadership dispute. A reading of these judgments reflects the depth of the apparently intractable dispute as to who may legitimately claim to lead and represent the Africa Presbyterian Bafolisi Church of Southern Africa. It is against this background that the current submission must be considered.

In the matter between African Presbyterian Bafolisi Church of Southern Africa v Moloj and Another (3775/2009) 2010], The Free State High Court in Bloemfontein Judge Rampai established in his judgement that where there is allegation of misappropriation of church funds, and a leadership dispute that might cause further secessions, the church must explore and exhorts all its internal remedies including disciplinary measures before seeking a court of law intervention.

The APBC of SA in the beginning adopted the Presbyterian system of church government which is representative in nature, and where in various the councils both the teaching and ruling elders were represented and functioning as equals, until 1979 and 1989 when the constitution was amended and an episcopal system of church governance was introduced where a hierarchal system of church officers was introduced.

Where the authority and power vested to governing bodies was challenge in comparison to individuals serving as bishops and archbishops as provided by the amended constitutions.

Therefore in continues leadership disputes the synod which is the supreme governing body it must align her resolutions with the constitution of the church which has superiority over the synod decisions, resolutions, findings, directions and orders.

In the matter between the African Presbyterian Bafolisi Church of Southern Africa v Moloj and Another, judge Rampai commenced by relating the nature of the church that it is a religious institution. People become members of a particular religious denomination by choice, and in the same way churches admit new members by choice.

There are no legal rules which regulate the relationship between a church and any of its individual members. The religious bond between a Church and its member is built on a voluntary spiritual association characterized by a common sharing of identical religious convictions.

A voluntary association is founded on an underlying notion of mutual agreement which is usually symbolized by the adoption of a constitution. In a religious context,

an individual who joins an established Church is required to subscribe to the foundational beliefs, ethos and convictions of that particular Church.

Through such subsequent subscription an individual concerned is deemed to have retrospectively endorsed and adopted a constitution of that church.

A new member then becomes bound by the constitution in much the same way as the founding fathers of the church.

There is an assumption that many African Christians abandoned their historical Churches due to the dissatisfaction they experience of being unwelcome, they then establish their own Churches or turn to a number of new Churches that are products of African Initiated Churches under African leadership.(Adogame 2013:68) .

(b) How can this trend of continual splits within the African Presbyterian Bafolisi Church be treated or restricted in a church like way?

A church is a voluntary association founded on an underlying notion of mutual agreement which is usually symbolized by the adoption of a constitution. In a religious context, an individual who joins an established Church is required to subscribe to the foundational beliefs, ethos and convictions of that particular Church.

The book of faith and church order or as commonly known as the constitution, it promotes Presbyterian system of governance through its ecclesiastical assemblies, courts and sessions, and the nature and range of jurisdiction are well established, it includes mechanism for appeals for those who may be considered aggrieved.

The study reveals that the minutes of the various councils serve as proof that the elected leader had been elected procedurally in accordance with the church order and therefore has been vested with the authority and power to act and sue on behalf of the church.

In the court case between MJ Mokalapa and AL Molaba which the native appeal court concurred with the applicant that the defendant AL Molaba failed to submit the minutes of the council that elected him to serve as proof that he was lawfully and procedurally elected against the applicant and as a result that he has the authority, mandate and power to act and sue on behalf of the said Church. (APBC, 1915:22; Swartbooi, 2014:35).

Therefore it is vital that in every Church meeting and sessions to preserve the attendance register and minutes as evidence that such a Church session or court

was held and the resolutions that were reached are in order and are binding to all members.

The constitution needs to be explicitly clear on who has the authority to sue on behalf of the Church, or the legal standing on behalf of the church, and the third point that is raised concerns which is the correct constitutional structure and procedure between the presbytery meeting and a synod meeting has authority to nominate and conduct elections in accordance to the Reformed or Presbyterian Church order.

The court decided in favour of applicant based on the fact that the respondent had no evidence to proof that was procedurally elected moderator had the authority by means of the synod, or quarterly minister`s and elder's conference of acting and to sue on behalf of the church (APBC,1915:22; Swartbooi,2014:35).

The court concluded that in the absence of a proper church constitution the defendant failed to prove that applicant was elected in an irregular manner equally so in the matter between African Presbyterian Bafolisi Church of Southern Africa v Moloji and Another (3775/2009) [2010], the court was of the view that in any religious context an individual who joins an established church is required to subscribe to the foundational beliefs, ethos and convictions of a particular church.

And that the constitution determines the nature and scope of the association's existence and activities, it prescribes the powers of the various officials, demarcates such powers not only to those of the individual officials it extends to the structural organs of an associations.

A new member admitted then and there becomes bound by the constitution in much the same way as the founding fathers of the church concerned. In such subsequent subscription an individual concerned is deemed to have on reflection adopts and endorses the constitution of a church (African Presbyterian Bafolisi Church of Southern Africa v Moloji and Another, 2009).

The African Presbyterian Bafolisi Church of Southern Africa needs to return to Presbyterianism type of church governance, where a common profession of faith and church order is established; a hierarchy of ecclesiastical assemblies, courts is maintained.

Where a careful balance between clergy and laity "elders" will be kept, the nature and range of jurisdiction as well as the form of procedure are carefully established in a book of church order or its constitution.

In the matter between the New African Methodist Episcopal Church in the Republic of Namibia v Kooper, the judge argued that the court is invited to pronounce the leadership of Hendrick Gariseb as the leader of the New African Methodist Church in the Republic of Namibia and discontinued membership of the respondents.

The court in this case had to establish its jurisdiction on and over ecumenical issues and the judge was of the view that some of the relief sought by the applicants seem to draw the court into making decisions on matters that are essentially ecumenical or ecclesiastical in nature and which it is not desirable for the court to embroil itself in however the court has jurisdiction in matters there is a combination of ecclesiastical and issues based on civil rights.

The judge highlighted that to declare who is the leader of the church is a matter that is exclusively involves ecumenical standards of which the court is not fit to pronounce upon.

In a situation where conflicts and disputes arise among the church and its members domestic remedy have to be exhausted internally firstly before relief may be sought in a court of law, it is only on violation of bylaws that an appeal can be made to the secular court. (African Presbyterian Bafolisi Church of Southern Africa v Moloï and Another, 2009).

It is cited that the Native Appeal Court in its judgement was not satisfied to officially declare that the Rev AL Molaba is solely a proper authorized person to sue on behalf of the Church and furthermore, it could not prove that Rev Manasseh Mokalapa`s election was irregular and unconstitutional(Swartbooi 2014:35,36).

Therefore the church was divided into two fractions and both leaders had obligation to prove to the courts that the opposite fraction was not elected constitutionally using the poor constitution.

An advice was given to the African Presbyterian Bafolisi Church that since it had no legal persona in the absence of a fully covered constitution, the Church does not have any recourse to approach a court of law to solve their disputes.

In the matter between the New African Methodist Episcopal Church of the Republic of Namibia v Kooper, it was concluded that the church as a legal person acts through the instrumentality of its officials. The officials are literally its hands and feet. For that reason, when the authority of a legal person has been challenged, some evidence

must be placed before court to the effect that it is the said legal person that is litigating and not some impostor or other person masquerading as the applicant that does so. What evidence suffices in such cases to indicate that it is the legal person that is litigating and not some other person?

It is believed that in such circumstances a church order to be drawn up which is meant to guard the rights and interests of the individual congregation and the collective rights and interests of the affiliated Churches.

It is within the jurisdiction of the ecclesiastical assemblies to deal and debate with matters of doctrine, morals, of church government, discipline, and whatever that pertains to the preservation of unity, and good order in the Church of Jesus Christ.

The major ecclesiastical assembly i.e. the synod is not too remote from the people and has a duty for the expression of the unity of the Church, particularly for the maintenance of good order, and for the general effectiveness of its work (Berkhof 1991:296-297).

Adogame adopts as a result that many African Christians abandon the historic churches due to the disaffection they experience of being unwelcome, they then establish their own churches or turn to a number of new churches that are products of African initiated under African leadership, (2013:68).

The 1915 constitution held synod as the highest body of the Church that takes control over Church matters, as well as church leadership, its decisions are binding to the whole Church (APBC 1915).

Disobedience and not abiding by the synod policies and resolution is an offence according to the African Presbyterian Bafolisi Church constitution (Swartboo 2014:10).

Secondly it is noted that according to the Presbyterian system of church governance it assigns primary authority in a particular office and less emphasis on the individual office and office holder but rather on the series of representative bodies that exercise authority.

The procedures for the election of the moderator as set out in paragraph (12.9-15) of the Manual of Faith and Order of the Uniting Presbyterian Church of Southern Africa, which stipulates that a moderator of assembly is elected at the ordinary meeting of

the assembly before that at which he/she take office and that he/she holds the title of Moderator Designate until taking office.

This implies that the nomination of a moderator is conduct before the end of term of the present moderator and nominated moderator holds the title of Moderator Designate until taking office, this has the advantage of knowing the culture and ethos of the church, this serves the purpose of continuity with the present leadership, and this switch mostly proceeds smoothly and successfully.

(c)What criteria and strategies can the African Presbyterian Bafolisi Church acquaint with to control the continual splits?

What criteria the Church ought to apply to address succession disputes?

Presbyterianism refers to leadership by both the teaching and ruling elders, tracing the term presbyter from Greek word meaning elder, and all reformed churches followed this pattern of Church government, it is further reported that Calvin made a radical change in the pattern of system of Church government through reintroducing lay ministers who helped to govern the Church (Smallman 2003:22-23).

Stott holds to the view that the Church has no freedom to ordain those whom God has not called and who do not possess any gift, because ordination denotes to public acknowledgement that God has called a candidate to a particular ministry; it is jointly conducted with public commissioning to exercise the ministry to which the candidate is called and gifted.

He further argues that every authentic preacher must be called, equipped and anointed by God, therefore the concept of a self –appointed, self-made preacher is weird. The New Testament teaching according to St. Paul points out to ten conditions that are listed for eligibility for the presbyterate or “eldership” nine of them are said to be moral and spiritual and only one could be classified as professional namely didaktikos, according to 1 Timothy 3:2 “A church leader must be without fault; he must have only one wife, be sober, self -controlled, and orderly; he must welcome strangers in his home; he must be able to teach” that’s having the gift for teaching. (2007:112).

Swartbooi records that the 1915 constitution designates that the African Presbyterian Bafolisi Church is not established on family legacy but rather to general elections which is open to all members who voluntarily affiliate to it, and it is a property of its bona fide members, hence the constitution is binding to the decisions of the synod

(2014:10; APBC, 2013:21; APBC, 1915:23).

The courts in *New African Methodist Episcopal Church in the Republic of Namibia v Kooper* (A 293/2013) [2015] had defined and described the Church as a voluntary association in terms of the Companies Act , and

In *African Presbyterian Bafolisi Church of Southern Africa v Moloi and Another* (3775/2009) [2010], a church is described as a religious institution where people become members of a particular religious denomination by choice. In the same way a church admit new members by choice.

Therefore there are no legal rules which regulate the relationship between a church and any of its individual members, The religious bond between a church and its members is built on a voluntary spiritual association characterized by a common sharing of identical religious convictions.

Any association it be religious or spiritual in nature is founded on an underlying notion of mutual agreement, such mutual agreement is usually symbolized by the adoption of a constitution.

In a religious context an individual who joins an established church is required to subscribe to the foundational beliefs, ethos and convictions of that particular Church. Through such subsequent subscription an individual concerned is deemed to have retrospectively endorsed and adopted the original constitution of that Church.

A new member then becomes bound by the constitution in as much the same way as the founding fathers of the Church concerned.

The lifespan of a church is theoretically infinite. When an association exists as an entity with rights and duties independent from the rights and duties of its individual members and has perpetual succession it is called a *universities person arum*, a juristic person, such is the legal nature of a Church.

In the matter between *Presbyterian Church of Africa v Sihawu and Others* (3375/12) [2013], the court defined the church as a voluntary association which exists and functions in accordance with a written constitution.

The African Presbyterian Bafolisi Church is following the biblical pattern from Joshua 24:24-28 .... "The people then said to Joshua, we will serve the Lord our God. we will obey his commands, so Joshua made a covenant for the people that day, and there at Sechem he gave them laws and rules to follow, Joshua wrote these commands in

the book of the law of God. Then he took a large stone and set it up under the oak tree in the Lord's sanctuary.

He said to all the people, this stone will be our witness. It has heard all the words that the Lord has spoken to us, so it will be a witness against you, to keep you from rebelling against your God.

Then Joshua sent the people away, and everyone returned to his own part of the land” (Bible, New International Version 1977:232-233)

The Acts of the Apostles chapter 15, records how the council held in Jerusalem made a decision in a dispute when Judeans taught that Gentile converts had to be circumcised to be saved.

The Bible records that Paul and Barnabas went to Jerusalem to discuss this situation with church leaders.

There is evidence that after returning from Jerusalem they gave a report and James summarized the report and made a decision which was binding on everyone.

Lastly everyone abided by the decision and the council sent a letter with delegates back to Antioch to report the decision (Life Application Study Bible commentary, 2004:1917).

It should be highlighted that key point in considering the leadership pattern of the above mentioned church since its origin in 1908 until 1978 is that the church governance system was Presbyterian in nature.

Meaning that the Church belongs to the people through congregational representatives, and also it is historically established through the years that the founding father and Moderator, Rev EJ Marumo was nominated and elected by means of congregational representatives' pattern.

It is against this background that many other African Indigenous Churches experienced a series of schisms and the main reason behind the schism is the dispute over the leadership position.

There are factions of the same Church that hold on to the thought that church leadership should remain in the family lineage and the other faction are of the view that any qualified person should be democratically elected, (Makhubu 1998:11).

The Durban high court heard a leadership dispute between Mduduzi and Vela Shembe, after the death of Vimbeni Shembe, who passed on in March 2011.

It marks the latest faction in the Nazareth Baptist Church, where the court ruled in favour of Vela Shembe as the successor after hearing evidence that Vimbeni Shembe nominated his cousin to lead the congregation not his son Mduduzi.

It is reported that the leader of a smaller faction of the Nazareth Baptist Church, popularly known as the Shembe Church, has been declared the rightful leader of the Church in a judgement handed by the Durban High Court, Judge Achmat Jappie ruled in favour of Vela Shembe, who is the leader of the Thembezinhle Church.

A court judgement brought to an end a five-year succession battle after the death of the Church leader Vimbeni Shembe, a 56 years Mduduzi Shembe told the court it was the Church's tradition that if the leader of the Church dies, the son took over.

However Vela Shembe, 54, provided a letter to the court which he said had been written by his brother, Vimbeni Shembe, before he died in 2011 nominating him as his successor. The court ruled that Mduduzi had failed to prove that the late leader, Vimbeni, ever nominated him as the heir.<sup>7</sup>

Therefore it may possibly be established on the long historical disputes related to fundamental disagreements regarding the legitimacy of the leadership of the Church, it could be decided therefore that the Church leadership is not entitled based on inheritance.

The end of breakdown of clergy relationships would end continual leadership disputes and court arguments and it should be noted there are disputes of fact that cannot be resolved in application proceedings.

Judge Goosen in the matter between Presbyterian Church of Africa v Sihawu and others hoped that an plea to the reasonableness of the protagonist and their legal representatives in these leadership dispute could cause and mark them to seek a solution than these episodic litigation which appears to serve little purpose than to reinforce enmity and to cause more conflicts in the church.

(d) What type of Church leadership and governance should the said denomination consider when addressing succession disputes?

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<sup>7</sup> <http://www.sabc.co.za/news/Shembe> retrieved on the 16/03/2017.

The New Testament used two official terms to describe the spiritual leaders in the local church, namely the bishop and elder; the term bishop means an “overseer” and the term elder which is most frequent used, it describes the activities of God's chosen people.

The word elder is said to appear more frequently in the New Testament more than the word bishop, and there is suggestion that the term bishop refers more to an office while elder refers to a man or person.

It is noted that the New Testament local Church leadership had a strong emphasis placed on qualifications, that the leaders should be men of good reputation, full of the spirit, wisdom and be a qualified spiritual leader who could shepherd the flock.

Lastly is that the New Testament leadership is organized in plurality there is reference to more than one kind of ministry, implying that the leadership in that context means there were more than one qualified to lead, it supports the idea that the New Testament Church is a unique organism that was not designed to function within a pyramidal type organizational structure (Getz 1981:104-111).

The Church is held to be a body, which according to the bible is described as, every joint suppliethsupplieth, according to the proper working of each individual part, Ephesians 4:16...“ under his control all the different parts of the body fit together, and the whole body is held together by every joint with which it is provided. So when each separate part works as it should, the whole body grows as it should; the whole body grows and builds itself up through love” (Bible, 1977:241).

The Reformed Church holds to the view that a church or a congregation is more than a characterization of a local congregation, but rather to a visible church unified beyond a local congregation and based on this principle the reformed Church rejects the independent congregations.

It is further held that the reformed tradition discards the view that Churches should form a hierarchy led by a pope or a bishop, one person or individual who served as authoritative voice but rather , the Church needed a multiple leadership and hold to the conviction that according to the reformed tradition, it is held that Church has various ecclesiastical assemblies which are governing the Church, namely the consistory or kirk session, the classis which is commonly known as the presbytery,

and the synod.

It is within the reformed and Presbyterian system of Church Government that it is of a representative pattern in nature and character, the people meaning members of the congregation in good standing are offered an opportunity to choose ruling elders as their representatives, whom together with their minister form a council or a consistory for the local church.

This pattern continues in that the local Churches should associate and affiliate with other local churches of the same faith and common agreement, and in such structure a church order is drawn that guards the rights and interests of the affiliated member Churches.

Berkhof points out the composition of these assemblies, beginning with the consistory or kirk session that it consist of a minister and elders from the local Church, and then the second assembly is the Classis/Presbytery which is composed of representatives from clergy and elders from their respective local congregations within their districts, and lastly the synod which is composed of an equal number of ministers and elders from each classis or presbytery (1991:295-296).

Stott in his book is convinced that a Church must understand itself and its Theology, meaning that the Church must comprehend its identity not its wish, the reformed or Presbyterian Church mirrors the intercultural character of the body of Christ.

It is stressed in his book that the homogenous Church unit broadens its fellowship in order to demonstrate the visibly, unity and variety of the Church, so that a large and wider Church can break itself into several homogenous Church unit or denomination that can celebrate both separately and together.

The Church must organize itself and its structure in a way that reflects and that it understand itself, its structure must reflect its Theology, especially its identity that it is called to be both holy and worldly, therefore it is okay to say that the Church is called for worship and mission.(2007:42-59).

Stott further maintains that the gift and ordination is not enough it needs to be nurtured and developed by those whom it has been given to, through prayer and study(I Timothy 4:14); “ Do not neglect the spiritual gift that is in you, which was given to you when the prophets spoke and the elders laid their hands on you”

(2 Timothy 1:6)... “For this reason I remind you to keep alive the gift that God gave you when I laid my hands on you” (Bible, 1977:265).

The contemporary Church must come to a position of realizing and understanding that the Church does not belong to an individual person, but rather it is God's Church who redeemed it with the blood of Christ his Son and it has oversees who are appointed by God through the Holy Spirit, therefore we do not have a proprietary rights or birthright but it is a privilege to be a Church leader.

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## Appendix 1







**HARRISWITHE**

**29th Sept., 1910.**

Ho puthetho ea Presbiterian Church, ho lona bahaleli ba Africa. Amohelang molo lena ka thabo, oho ke ama taba ea thuto ea kerike ea Africa hore ruri kandle ho bonyetoli, e bapile le thuto ea basopolu Lik. 14.

I Ka la 19 Sept. 10 ke ne ke latloa ke motema Joelle Molapo Lesotho, mosali oa hae a sa je nama, ba mo jehise seje so se lube sehlong ke ntle mverozoli J. Mochale oa Werzese, ak feela erise ha ho galan diaplo ruri Motema Jesu a re arabela ho Liketsa 15 26. Pina ea 16, ha boer motema Joelle marallo le mohata hae ma Mopeli Moera oa ebiti mohlolo ruri oa pheliso Sarane a batena hang ba makata ra fumane mverum thabile batholo. Hosana a romalla magratate oa latlisotho, ohi le eona a thaba thabolo.

Ka la 21 Sept. ra oa ba motema Mopeli Molapo, oho le eona a re amolela a tisa bana ba hae ba khang ra ba ama ba fela hang ka la 26. Ra ea ba motema Qhobela Mopeli Molapo a re teng, a hahisa lefu la hae ra bala ho jarabo 5, 14, ra buselela ke bana ba saho a se Church le ba Fora ka thabo. Am-gi

Setem 13, 14, oho mosobesi oa ba mohlolo, ha puthetha batho ba 200, 30 besehang ba bona mohlolo me ba fola balle Mar 15, 16. Bahaleli ba hae 12, ra jehi jore ba fahase. Utsung Mergontu Pauline, J. Paul, 12. Lango van More oho ra khuthela ha mo ana emohlolo joete ha fihla ba jirike ba Werzeseok ba ba beth. Gihmone kete le Daniele kete, motema Lesika a romella ha ba qete 20, 4, ke seton ho ba lokela bobane mosobesi o bile mohlolo khorop ba amara. Pohn ba ne isa buia mahlo isa boza. Ke jo meqete oa kerike ea Africa ruri o mohlolo hape rom re soabata bahaleli, maphong le maphole, a re ba rapeliang haholo hore motema ba se le me nyetisa motema o Hahobang, ba mpe ba nyetisa motema ho mohlolo, ho mohlolo hahla mohlolo, ba latlano ba ea fatola. Mopeli Molapo, ea romela le ba Buvuvu ea hahlo fahise, ho ruri ke mohlolo, mohlolo le me nyetisa motema, ke Motema ke ea hae. Mopeli Molapo e paka A. O. Lumeiang bae ra

ba kerike. Oho hona le tsebetel ba hae mosepang ha ba eise isonelo isa hona ba inkela likhabo tsa kerike ba inkela ba sa tsebe letho, mohlolo ea da fumano hore o utsoa likhabo tsa kerike o ea oia ka ho utseha kuthko, biseo la hobe ba hae le hahiso hohle ho rone o utseha kerike me kemohobu ruri ho na le ba mkelang lea, ka tsebe le khutsieng hlokomela, mahloli a teng a msoel-sag kerike ho na le ba sa mpolihang tsebe ba tsebetse kamoo ba rting kerike feela tsebang hore le diliphollo. Che ho tsebe kera nyata hobane tsebe seo fihlo e nqene le e nqene e se e tsang ba ko-pe pele ha fumane mohlolo e seng ho inkela pele ere ka motema ba mohlolo hore re nkile ka soaba ka taba eo mohlolo ha e nkile feela mohlolo a tsebe o utsoetsa Molimo empa ke le Jesu e ho bophelo ba lona Amen.

Ke kopile puetho hore jumpha tse ntseng li ntseng li mosobesi oa Molimo li arlobe ke ra ka mohlolo oha tse Gouqoa li masehong a Mareka Seo ke li bala ho eona tseeng la kerike tse Harriswithe ho Mobe, me bohle mohlolo tsa bura ha li fihlise ho bana hoo ba habeli oho jumelang baena bohle Jesu e ho dop-aer ba zana. TSEBISO. Dumeliso ea bapeli ba Werzeseok oho zana ekeletso hore ba hile tse ba Sothe mohlolo a ka a fihla, zana ba ka lona bura, le jehi pho lona ho li sebese, hahola

Utsung jore me nyetisa motema, ke Motema ke ea hae.

E ne e ka Mrs. Marianne Mochale, Miss. Selina Mosele, Miss. Adelina P. S. Oa, Dina Mopeli, M. zane Mchale, Dina Seo, Dina Tsosane, Fereina Mochale, Latseli, Sekora Isotetsi, Dina, Dina Tsosane, Fereina Mochale, Yvonne Mopeli, Abimara Mochale, Elisa Mochale, Osanna Mochale, Aletia Mochale, Maria Maforo.

Jumelang jore me nyetisa motema, ke Motema ke ea hae.

Utsung jore me nyetisa motema, ke Motema ke ea hae.



re phetso, re ka re phomole ho eena, joaleka ha re bepile hobane  
ngoa, aho, vata eena a phomola ho uena hae hore tsobong ea  
bela, ka tsela la bofelo, re ka re fumane re lefifi mahlong a  
nao, nae re amohela hohonolofiso, eo mora oa hao ea rathang  
sida b'hoia nakong ho bole ba ho rathang, le ha ho tsabang a re  
tlong, hana ha hohonolofisoeng ke uate.

le amohela muso oo le o'lofisi saeeng ha e sa le letitse le  
b'vata : U rene, rena, rena ho rapela, oho nate a mohanu, ka Jesu  
Kreste-morapelli le molopoli oa rona Amen.

Mohani oa morona oa rona Jesu Kreste, le kerato la molimo,  
le kopano ea moroa o hahalelang, li le le rona lofifi, ka ho sa eeng  
kae Amen.

1. Setafo se thabile molumeli emong ho nisa npho ea hae 1/-  
ha saqja le ha ara saje.

2. Tsoeliso ea selomo ho molimeli emong le emong 2/- ea  
amohelang k'epheeng zina. *1/6*

3. Bana ba hanyenyane ba k'holob'eseu ka *1/6* Nyanana le Nyanana  
ba b'hoia 3/- npho ea molimeli 1/-

4. Ha molimo oa molimeli a ka fumana abolutise Nyanana u  
da hohonolofisa n'vata khomo, kapa akhanoole.

5. B'vata Nyanana ea mat'eseeng leholo 51 kapa akhanoole.

6. Eona le 2/- ea mekotlana e nts'oeeng ke balumeli ka selomo  
le selomo ke ea ho thusa h'olo kapa ho Phallela mabaka abolutike  
a kereke ea rona. B'vata.

7. Matimahladi a molimeli o moholo oa bo mee 6d khuvile  
chuvile ho molimeli le molimahladi ho fa mosebetsi oa molimo  
m'vata Likoronke ka pele khato ea 29 temana ea 13—18

8. Toalo lona B'vata kereke ea lona hae hanelle hore molu-  
hina roale thapo eutsa ea setifi hasee etsueng Ezeriele 24 temana  
ea ho 17 qetellong Samnel oa bobeli khato ea 12 temana ea  
emisa qetellong ea 23

9. Maqiso  
ka Matsiliso  
le Jobo khato 42 temana ea 11 ho ea qetellong ea eona













re hahere ho ka re phomole ho eena, joaleka ha re tiepie hobane  
ngar'abo rya eena, a phomola ho nena me hore tsolong ea  
bani na tsela la poralo, re ke re fumane re lekle mahleng a  
nao, me re amohela hihonolofiso, eo mora oa hao ea ralehang  
a rita b'ela nakong ho bohle ba ho rakang, le ba ho tsabang a re  
thong, bama ba hihonolofisoeng ke nate.

le amohela muso oo le o lokiseh'isoeng ha e sa le leitse le  
haha. U tence t'ena, rea ho rappa, oho nate a mofari, ka Jesu  
Kreste-qoqapelli le motopolli oa rona Amen.

Mohari oa morera oa rona Jesu Kreste, le jerato la molimo,  
le kopano en more o hahelang, li le le rona jehle, ka ho sa eeng  
kae Amen.

1. Sehalo se thuntle molumeli emong ho nisa mpho ea lise 1/-  
ha asoga le ha asa e'le

2. Tsoeliso ea Selemo boamoluneli emong le emong 2/- ea  
amoheloang li o'kehang em

3. Bana ba banyonyane oa k'ehobesoa ka 1/6 Nyanana le Nyanana  
oa yabole 3/- mpho ea mokhadi 1/-

4. Ha molimo oa molumeli a ka fumana/abolotise Nyanana u  
di hohobesoa nate khama kapa akhaleoe.

5. Haele y'una ea mar'ieseng leholo 5/- kapa akhaleoe.

6. Eona le 2/- ea mokotlana e ntsoseng ke baunwai ka selemo  
le selemo ke ea ho thusa li olo kapa ho Phallela masaka abohloko  
a kereke ea rona. Pabolise.

7. Marumahadi a mokhadi o moholo oa bo mee 6d khueile  
ehueli ho motumahadi le motumahadi ho ta nsoetseni oa molimo  
matsi Likononke esa pele khato ea 29 temana ea 13-15

8. Toaiofona Batoise kereke ea lena hae lumelle hore molu-  
bana roale thapo e'ntsu ea sefifi hase e'stenu Ezoketle 24 temana  
ea ho 17 q'atlony Samet oa bobeli khato ea 12 temana ea  
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of gross immorality. If found guilty he shall be deemed blameworthy or liable to suspension according to his conduct.

#### ORDER OF APPEALS

28. Each Annual Conference shall select five judicious and experienced Elders to be known as Triers of Appeals.

#### COURT INFORMATION

Whenever a member of an Annual Conference takes exception to his trial and expulsion from the Conference, or to the decision of a Bishop, he shall make it known to the Bishop that he appeals, and desires him to call the Court of Triers.

When such announcement is given to the Bishop, he shall appoint three of the nearest Conferences, from which he will call Triers to meet at a given place within three months after announcement. They shall have a reasonable time for their session.

#### APPELLANT'S RIGHTS

The Appellant shall have the right to object to any member of the Court, provided his objection does not reduce the number to less than ten, which number shall be necessary to form a quorum.

In all cases where an appeal is made the appellant or his representative shall state the grounds of his appeal, showing cause why he appeals and no interruption shall be allowed in the exercise of his rights.

#### METHOD OF PROCEDURE

When the appeal is taken from the Bishop's decision, the Triers may be called from only two neighbouring Conferences as the appellant's Conference may be the third. The Court shall have one of its members to act as president and one as secretary. The secretary shall keep faithful record of the Court's proceedings, which shall be subject to the order of the Quarterly District Annual or General Conferences for its review.

In all cases which are brought as appeals the following methods shall be observed:—

- (a) A statement of communication from the appellant setting forth his appeal and the grounds of it.
- (b) The charges, specifications, and the judgements of the Court below are heard.
- (c) Inquiring if conditions of appeal are met.

- (d) Reading the records of the trial.
- (e) The appellant himself or counsel is heard.
- (f) The Court below, by its representatives, replies.
- (g) The Appellant closes.
- (h) The Appellant and other representatives retire, and the Conference decides the case.

#### STANDING EXAMINING COMMITTEE

29. Be it known that a Standing Examining Committee shall be elected for the Holy Ordination for Overseers, Elders, Evangelists, Deacons and Deaconesses' orders.

And this Standing Examining Committee shall prepare the examining printed question papers for the candidates, and it shall be sent to every candidate six months before each Annual Session so as to make the said Ministers more prepared in the ministry.

And at the annual interview the said candidates shall simply hand over their examination papers to the examiners for examining them, and shall be reported at once to the annual interview when called upon by the Overseer in the chair.

This Standing Committee of Examiners, when preparing the examination papers, shall have correspondence with each other when they are at a distance from each other.

#### WOMEN'S LICENCES

30. Women who are in the Dorcas Meeting shall also be licensed to preach if they have also the same people to be preached to in the African Presbyterian Baptist Church.

And these licensed women preachers, who preach in the women Dorcas Meeting shall be quarterly examined, though their licences are renewed annually by the Overseer.

#### ON ADMISSION

31. Be it resolved that any candidate coming to the Annual Conference Interview for membership, who cannot read or write, shall not be accepted as a travelling or local preacher. Such candidate, he or she shall only be accepted as a member of the Annual Conference Interview, and not for the Mission Field, nor shall he or she possess or be subject to any annual appointment from any of our overseers of the African Presbyterian Baptist Church.

All those travelling or local preachers who are already in the Mission Field, who cannot read or write, shall not be ordained as Ministers of the Gospel in any of our Annual Inter-

Should any of our Ministers knowingly violate or disobey this law and refuse to work with it, he shall be suspended or be at once dismissed from the tenorant work.

33. Bear this in mind that each Board shall have the power to elect its chairman, vice-chairman, secretary, vice-secretary, treasurer.

34. And each Conference shall also have power to elect its chairman, recording secretary, assistant secretary, corresponding secretary and committees.

#### DELEGATES

35. Ministerial Delegates shall be elected by the Annual Conference to represent said Annual Conference, there may be two for the General Conference.

The Annual Conference shall give certificate of election signed by the Overseer and Secretary to every delegate elected, both ministerial or lay.

If a delegate is elected by an Annual Conference and cannot attend the said Conference, through certain circumstances, a substitute can be elected to fill the vacancy.

#### MEETINGS AND CATERINGS

36. All Conferences, Boards, Special Meetings or extras must be opened with religious services.

#### FINANCES IN GENERAL OF THE AFRICAN PRESBYTERIAN BAFOLISI CHURCH

All appointed ministers, ordained and unordained, must bring or send all their finances they have collected to the financial secretary, Rev. A. S. Meising.

(1) Tithing (2) Easter Fund (3) Children Day Fund (4) Building Collection (5) Confirmation Is (6) Baptism, 3s. Yearly Gift, Is (7) Holy Communion Is.

#### TEACHERS

The Teacher's salary on adoption of the Conference should be only the auspices of the Congregation and Pastors, and shall be submitted from 52 to 55 per month, and can appeal for the Church Conference through misunderstanding.

### THE REVISED CONSTITUTION OF THE AFRICAN PRESBYTERIAN BAFOLISI CHURCH OF S.A.

#### Section A

The General Government of the Church, the Governing bodies of the Church shall be the Conference and the Synod such Conference and the Synod shall only be recognised as fully constituted and their decision binding to the Church if convoked and held under in terms of and by the Procedure laid down in the Constitution.

#### THE CONFERENCE

1. The Conference shall meet annually before the Synod.  
2. The Conference shall be convoked by the Secretary of the Conference.

3. A month's notice in writing with a copy of the agenda shall be given by the Secretary of the Conference to each minister and any person authorised to be in charge of the circuit.

4. The Executive Board of the Conference and Synod shall be elected once in 5 years.

5. Duties of the Executive Board of the Conference:

(a) They shall meet twice annually. Once in six months. The one meeting to be sufficient time to draw the agenda to enable the secretary of the Conference to give notice of the Conference.

(b) They shall draw the agenda for the Conference and fix the date of Conference.

(c) They hear appeals from the disciplining circuit.

#### Official Boards

(d) To prepare the agenda for the Synod and to fix the date thereof.

#### Duties and Powers of the Conference

6. To present a financial statement for the past year to be presented by the treasurer of the Conference to the Synod.

(a) To accept the nomination of the Moderator if there is any vacancy and place this before the Synod.

(b) To keep full minutes of the proceedings of the Conference and the Executive Board.



(d) Election and voting in the Conference shall be done by a show of hands or by secret ballot.

(e) All delegates shall produce their Certificates to the Secretary of the Conference and if they cannot do so at the Opening of the Conference they may not vote or speak at the Conference.

(f) To assist and advise the Moderator in the carrying out of his duties and powers.

#### **The Synod**

1. The Synod is the Supreme Governing body of the Church when duly convened in terms of this Constitution. Its findings, decisions, rules, resolution, orders and directions shall be final and binding to the whole Church.

Disobedience to the crees and orders of the Synod renders a person convicted of the disobedience liable to the discipline of the Church.

2. The Synod shall meet annually.

#### **Duties and Powers of the Synod**

3. (a) To discuss and administer and make rules, orders, regulations, directions and all church matters which shall be binding on the whole Church.

(b) To ordain all new ministers, when necessary appoint stewards and ordain Evangelists and make all appointments which do not fall under the Moderator or circuit Official Board.

#### **The Change of Ministers**

(c) Each Minister shall remain in the Circuit for five years. He shall be changed without reasons. If there can be misunderstanding between the members of the church and himself during the period specified, he shall be dealt with by the members of the Executive Committee.

(d) To discuss votes and authorize all Church finances and expenditures. To fix the Moderator's remunerations and allowances.

(e) To hear appeals on disciplines from the Executive Board.

(f) To make all such orders, rules and regulations as are necessary for the Government of the Church.

(g) To elect the Moderator when the position falls vacant.

(h) To keep the minutes of the Synod.

#### **Inter Synod**

4. (a) Should it be necessary for the Moderator to have decision of the Church on any urgent matter he may instruct the Secretary of the Synod to convene a Synod on two weeks notice in writing to all members of the Synod the agenda for the Interim Synod shall be fixed by a special meeting of Executive Board called by the secretary of the Executive Board on the request of the Moderator matters to be dealt with shall be those written in the agenda, but all decisions taken at such Synods shall be as valid as if taken at the Annual Synod. The Constitution.

(b) The Synod before dismissing shall discuss the next annual Synod as well as the month and the date but the exact date shall be given by the moderator.

(c) The Synod alone may issue the certificates that is empowered by the Constitution. They shall be signed by the secretary of the Synod. Any minister issuing such certificates shall be liable to church discipline.

#### **SECTION B**

#### **The Moderator**

1. The Moderator is the chief Executive official of the church. It is his duty to carry into effect the resolution of the Synod and to administer all Church affairs.

#### **The Qualifications of the Moderator**

2. (a) He must have been a church member for a satisfactory period.

(b) He shall be a man of good character and general repute.

(c) He shall be an ordained minister of the Church and have served the Church.

#### **The Election of the Moderator**

3. (a) Three names will be nominated from amongst the ministers of the church.

(b) If the Synod agrees upon one person he shall be a lawfully elected one.

(c) On the date of election the moderator is voted for by a show of hands or by secret ballot. The one who receives the majority of votes shall be the duly elected Moderator. In the case of a tie in votes between any two candidates the



chairman must call for a second voting and if a tie again results, he shall then have a casting vote.

4. Members who will vote on the election day of the Moderator are as follows:

1. Ministers
2. Ordained Evangelists
3. Elders, Stewards
4. Is one of the Deacon members or one who is trusted. He will be elected by the members of the monthly Committee of each place to come and vote.

The Moderator shall remain in the Office for five years as a Moderator. Thereafter a new election shall take place. If there can be any dissatisfaction within those years, such dissatisfaction shall be dealt with by the members of the Executive.

#### **Duties of a Moderator**

4. (a) To represent the church in all legal actions brought by or against the church.
- (b) To manage the finance of the church with the treasurer of the Conference and to make all payments and withdrawals on the church banking account in the name of the church.
- (c) To take care of all the movable and immovable church properties.
- (d) To administer and oversee the carrying out of all decrees, decisions and orders of the Synod.
- (e) To manage all affairs of the church at all times.

#### **AFRICAN PRESBYTERIAN BAFOLISI CHURCH OF S.A.**

A Corporation having perpetual succession and may acquire rights and incur obligations, and the Moderator of the church will be entitled to represent the church in all legal proceedings brought by or against the church.

#### **CHURCH PROPERTY AND BUILDINGS**

(a) The African Presbyterian Bafolisi Church is hereby authorised and empowered to property in its own name by purchase, donation, exchange, lease or any other manner recognised by law.

(b) No church building may be erected on any property not owned by the church nor on property owned by the church

any minister or Circuit Official or Board without the authority of the Conference first being owned and obtained for such building.

#### **GENERAL**

1. Nomination for any office in the church shall be nominated by the church members only, who alone shall have the right to nominate.
2. Election to all offices where the elections are necessary in terms of this Constitution shall be nominations to the authority Board Council Conference Synod where this election is to take place, such nomination must be received by the Secretary of such body at least one month before the date of election. On the date of election the candidates are voted for by a show of hands or secret ballot, the one who has the majority of votes is the duly elected. In the case of a tie in votes between any two candidates the chairman must call for a second voting and if a tie again results he shall then have a casting vote.
3. The secretary and the recording secretary of the conference and the Synod shall both have a vote as ordinary members of such bodies when voting is necessary in the Conference or Synod.

#### **DEFINITION**

##### **Composition of the Synod**

The Synod is composed of those people who have been elected and ordained by the Synod.

The following persons are entitled to vote in the Synod:

1. The Moderator.
2. All the Ministers.
3. All the ordained Evangelists.
4. All the ordained Stewards.

##### **The Composition of the Conference**

Persons entitled to attend:

1. The Moderator.
2. All the Ministers.
3. All the Circuit Evangelists.
4. All the ordained Evangelists.
5. All the ordained Stewards.
6. All the Elders.
7. All the Deacons.



## SYNODO EA PELE African Presbyterian Bafolisi Church ea Baroa

Sinodo ea Pele ea Kereke ea Bafolisi e boroa ea Julia Daggakraal ka la li 24 Tšitoe 1917 me moriri Moruti E. J. Marumo a bulala tsebelletso ka setela sa 7sa sesotho le thapelo.

### Synodo

Sinodo ea butoa ke Mookameli ea hime seng ho ea ka mohlona, oa mokera A tsebisa hore re kopane ka le bitso la Jeso Kreste e leng molopoli oarona ho hlaloha, ka tleho le tokelo ka le bakha la mesebeti, ea hae a bala ho Marera 3:4. Iireng Mora hlaluma, Merera 16:15. Molimo ka lebaka la matla a hae a moea o halalelang matsobo a hae a setang ho Julia mehaleng ea Bafolisi ka moea oo o bao amohetseng.

Baroma II:32, 33, mesebeti ea ka matkemeseso le sephelo sa bona ho leka leano ho aha kereke ea bona eo bala ruta ho holisa muso oa molimo ka tlasa setate sa bona sa Morara le sa fetseng Isara 38:16.

Mookameli oa kereke ea Bafolisi a ea Minsong oa litaba tsa barata Pretoria moho le mong Pretorius Warden seterekeng sa Harrismuth ho khahlan le baetapelere ba Muso, me a eletsisa ho bona Magistrate ha e mong letong le bakeng leo 'me a phele mesebeti oa hae joale ka Moruti 'me ho sepe le e mong ea ka haoang le bak eng leo la hae.

Ha baloa lengolo le isoang ho Moruti Dhyamane mahapeli le motefetere o teng maharang a fiphatheho tsa Frankfort le Lindley me hae khethoa lekhova le ka halalelang li phutheho tseo ho li kisa litaba Morena P. Marise Molei a nehela phutheho ea Daggakraal ntle ea tsebelletso e le mpho e isoang ho eena ea ahang a e lebobela.

Re tihelise matope Mosebetising oa Molimo Na, re usoa neise ho thoka chesoho re fihle mora ka Kakolobetsa ea Morara Mosos P. Moli le bana bahae kaka lebakholo Jansoe le reng le khoso langosoe le baluhong tsa bona, me ba moko-betsa bare ha le kolobetsa ka jehiso la kereke empa lehlisoang la mara le la Mora le la Moera o halalelang.

Molimo a hlakolelisa moko-betsa oa bakhosi masole a haparo tse putsoa, tse muso le tse tsoa Molikhatu oa tsepo le basebetisi babang ba mekhatho ea Bafolisi mosebetising ona

o moholo. Re khohaleisa baetapela le Baruti ba rona ba loang-tsang le fifi lefatseng ele hore mesebeti ea rona e hlakolelisa e hlompheue Mookameli (Moderatori) a hlalobe ba ka khetheang me ho bolala Moera oa mopi. Me Sinodo ea khumama ka mangoele fetsa Dominus Voluam! Mosebopo a hlumama ba khetheloaeng bohlangka ka matsobo a hae me a ba neha taelo ea ho ruta lentsoe ka hara bahedene 'me a hlalisa hore ho sepe Moruti ea ka hlophang tulong ea hae ho sa usejoe, 'me emong le e mong a usebe hore ha aha fumano a etsa ketso eo o tlaba molato otlaba gosang ka pelepele.

### THAPELO

Ohu Molimo o sa shoeng o hlompheuiseng mesebeti oa nangqol le batho ka mohlona o makatsang referi mohan hore jaelaka ha mora oa hao a hosebeleisa leholimong ka khoso a rehoetse le fatseng ka Jesu Kreste molopoli oa rona Amen.

### NAKO EA MANTSIBOEA

Sinodo ea leboha Magistrate le lihloho bakeng sa bolokolo-hi bo litlo li ho fumaneang Amersfoort seterekeng sa Transvaal.

Toboto ka boikheho ea to bisoa ho mohlomphehi M.P.E. elang Moprofeta oa kereke ea African Presbyterian Bafolisi Church ea phelang Seterekeng seo ba keng sa tsaka e ntle eo a ntselitseng mesebeti oa kereke ea Africa a boroa ka me ngo-aha e fihleng ha ho rapeloa ea mara. Ohle ho phela ho eena me a mo boke mesebetising oa baetapela.

Kopano ea Julia Ventersburg ka la li 27 Hlakubele 1918 Setela sa III le tla pella ka mohlomphehi Moruti E. J. Marumo elang Mookameli, Moleo oa Sinodo o tlama hore Moruti e mong le e mong a tle le chelete e kalo ka le shome la lishaleng 10/- Le ntselisoang Senodo.

Ha ho Moruti ea himehoang ho kena tulong ea Moruti e mong me ha a nyelamolelo o tla khahloa Setho se seng sa kereke ea African Presbyterian Bafolisi Church ha se e tela kape se fallu se loketse ho fumana lengolo ho Molehi kapa Moholo.

Seboka sa hlalisa hore ha ho Moruti ea tla Tiselletsa mahlakapa Moholo kapa Mohlanka Tulong ea hae kamile le hore a etse lengolo hobe lengolo le tsoang Phuthuhong me a le ise ho molula setulo oa seboka Dore's Seahloli a tsebisa Phuthuho hore ke 'moleli oa Hoopstad Samuel Thulo Thaba' fetu John Marumo moholo oa Hoopstad.

Ha etsa lotlo mahapeli le thamo ea Mipele ho khetha mahiso a mararo Freistata, Transvaal, Lesotho me e le tsonkeng nako ea setemo taela Koleke ea kereke ea Ventersburg e



bile 21/15/0. Tšenyehelo ea kaho ea kereke 133. 3. 0. Ho lenilo 224. 3. 0 me ho seise 19. 0. 0.

Ka sonahale phutho e me e le 300 Tsebelletsong Mookamei a bula isehelleiso ka se fela sa 7 a dala pesalame ea 84: 1. Ba Tshelleisoang ea ba 20 Ba kolebe tsoung ba bararo Seboka sa koaloa ka setlala sa se Satho.

Arpheleang ha monate 'me Molimo o be lerona ho fihlela re kopana harape phe leng hamonate 'me Molimo o be lerona ho fihlela re kopana harape. Esengetsoe ke Mookamei ea Tlantseng E. J. Marumo, J. H. Mokalapa Mongoli oa Seboka, 27 Hhakubele, Ventersburg.

Address: Daegakvaal, P. O. Vlakpoort, District Wakkerstroom, Transvaal.

## Sinodo ea Bobeli sa Kereke ea African Presbyterian Bafolisi Church

Headquarters: Harris Smith O. F. Mophompheni, J. H. Mokalapa, Mookamei oa kereke ea Bafolisi e bororo, kopanong e neng e lutsa Kestell O.F.S. ea kereke e ngotsoeng ka holimo rona Baruti le litho ka la li 28 Istiro 1915 ho ea ka melao ea rona re kopane mona ka sepho sele seng re khethele mona Moruti J. H. Mokalapa hoba Mookamei oa kereke ea African Presbyterian Bafolisi Church e bororo.

### BAETA PELE BA SINODO

1. Mookamei John H. Mokalapa, Mophahani oa motu E. J. Marumo.
2. Paulose Mpele.
3. Alhed Meksing, Mongoli oa kakaretso.
4. M. S. Nthuping, Moloki oa mahlolo.
5. Albert Phutsi, Mongoli oa se boka.
6. Johane Moholeng.
7. Petrus Sehole.
8. Paulose Selepe.

### LENANEO LA LITHO TSA SE LENO SA 1921

1. Moruti Daniel Twala, Bethu ue ka 1916.
2. Moruti Esae Moloi, 1916.
3. Moruti Johane L. Sekhosana, 1916.

26

4. Moruti Jasson Marumo, 1916.
5. Moruti Samosone Khalee, 1916.
6. Moruti Davida Maseli, 1916.
7. Moruti Salomone Ndaba, 1921.
8. Moruti Oziaeh Dopor, 1921.
9. Moruti Joseph Matha, 1921.
10. Moruti S. J. Moloantsoa, 1921.
11. Moruti Amose L. Maba, 1921.
12. Moruti T. D. Makwaza.
13. Moruti Isaac Seahloli.
14. Moruti Andreas Mofokeng.

### LI TULO TSA BARUTI HEADQUARTERS HARRISWITTH LI BAKA LE LI THO

1. Mophompheni Moruti J. H. Mokalapa, Van Beenen Aberfeldy	2,709
2. Rev. Paulos Mpele, Bethlehem, Teger Rever	355
4. Rev. A. S. Meksing, Witsieshoek	136
5. Rev. A. Phutsi, Masera Basutoland	256
6. Rev. P. Sehole, Heilbron le Parys Road	100
7. Rev. M. S. Nthuping, Frankfort le Blydenhap	157
8. Rev. J. Moholeng, Butha Buthe, Basutoland	250
9. Rev. Esaea Moloi, Vrede	120
10. Rev. J. Sekosana, Bergville, Natal	118
11. Rev. D. Maseli, Nyakosoba, Basutoland	57
12. Rev. D. Twala, Standerton, Transvaal	90
13. Rev. J. Marumo, Kestell O.F.S.	245
14. Rev. I. L. Seahloli, Ventersburg, Thaba Nchu	318
15. Rev. A. Mofokeng, Fountainsburg	50
16. Rev. S. Khalee, Tsimme	256
17. Rev. P. Selepe, Senekal	314
18. Rev. A. Maba, Lindley	408
19. Rev. P. M.	362
20. Rev. J. Matha, Thabamissen, district Bloemfontein	91
21. Rev. S. J. Moloantsoa, Kroonstad	101
22. Rev. Solomone Ndaba, Masela, Basutoland	89
23. Rev. Oziaeh Dopor, Warden O.F.S.	409

27

## The Appendix 2

## THE AFRICAN PRESBYTERIAN BAFOLISI CHURCH OF SOUTHERN AFRICA

### CONSTITUTIONAL REGULATIONS OF A.P.B.C.

THE PREVIOUS CONSTITUTIONS AND AMENDMENTS EG 23 DEC. 1955, 14 DEC. 1978 AND OTHERS ARE HEREBY RECAL FROM THE DATE OF COMMENCEMENT OF THIS CONSTITUTIONS NAMELY 16 DEC. 1989.

#### 1. NAME AND PURVIEW

1.1 THE NAME OF THIS ORGANISATION SHALL BE THE AFRICAN PRESBYTERIAN BAFOLISI CHURCH OF SOUTH AFRICA (A.P.B.C.) AND NO OTHER ORGANISATION SHALL BE AUTHORIZED TO ADOPT OR CAUSE TO ADOPT SUCH NAME AND IF ANY PERSON CONTRADICTS THE PROVISION OF THIS CLAUSE HE/SHE A MEMBER OR NON-MEMBER, THE CHURCH IS HEREBY AUTHORIZED TO TAKE LEGAL ACTION AGAINST THAT PERSON OR ORGANISATION.

#### 2. AIMS AND OBJECTS

- 2.1 TO PREACH THE WORD OF GOD AS IT IS ACCEPTED AS THE HOLY SCRIPTURE.
- 2.2 TO ERECT CHURCH AND OTHER BUILDINGS FOR RELIGIOUS, DWELLING AND OTHER PURPOSES.
- 2.3 TO OWN LAND BY WAY OF BUYING OR TO HIRE LAND.
- 2.4 TO PROVIDE FAITH HEALING TO ALL PEOPLE BY PRAYER AND LAYING OF HANDS UPON THE SICK.
- 2.5 TO COLLECT CHURCH BUES (MONEY) AMONG ITS MEMBERS FOR CHURCH PURPOSES AND TO COLLECT DONATIONS.

#### 3. CHURCH MEMBERSHIP

##### 3.1 PROVISION

3.1.1 THE TRAIL PERIOD SHALL BE 3 MONTHS, AFTER WHICH A PROBATIONER SHALL BE ADMITTED TO FULL MEMBERSHIP OFFICE BEARERS FROM OTHER DENOMINATIONS SHALL ALSO BE SUBJECT TO THIS REQUIREMENTS AND SHALL UNDER NO CIRCUMSTANCES SERVE AT ANY OFFICE BEFORE THE EXPIRY OF HIS/HER PROBATIONAL TERM.

3.1.2 ORDAINED, EVANGELIST, STEWARDS, MINISTERS, MODERATORS, BISHOPS, FROM OTHER DENOMINATION WHO WISH TO BE MEMBERS SHALL SERVE ON PROBATION IN TERMS OF REG. 3.2.4

##### 3.2 A

##### 3.3 ADMITTENCE

3.3.1 ALL NON-WHITE PERSON OVER 15 YEARS WHO ARE PERSONS OF GOOD REPUTATION SHALL BE ENTITLED TO FULL MEMBERSHIP AFTER COMPLETION OF THEIR PROBATION AND SHALL BE ELIGIBLE TO ALL RIGHTS AND PRIVILEGES OF HOLDING ANY LOCAL OFFICE IN THE CHURCH TO VOTE AND BE VOTED FOR.

3.3.2 ANY OFFICE BEARER FROM OTHER DENOMINATION HAVING COMPLETED HIS PROBATIONAL TERM SHALL IF THE MINISTER IN CONSULTATION WHICH THE C.O.B. ARE SATISFIED ABOUT HIS/HER REPUTATION AND THEIR HE/SHE WAS CAPABLE OF HOLDING SUCH OFFICE, WITH IMMEDIATE EFFECT INSTALL SUCH MEMBER TO HIS OR HER OFFICE.

3.3.3 NOTWITHSTANDING ANY OTHER PROVISION IN THIS REGULATION A MEMBER WHO HAS BEEN BORN AND BROUGHT UP IN THIS ORGANISATION OR WHO WAS LESS THAN 15 YEARS WHICH HIS/HER PARENTS JOINED THE CHURCH OF HE/SHE JOINED THE CHURCH SHALL BE ADMITTED TO FULL MEMBERSHIP AFTER COMPLETING 15 YEARS AND SHALL FORTH WITH ENJOY ALL THE RIGHTS AND PRIVILEGES TO VOTE AND TO BE VOTED FOR LOCALLY.

##### 3.3 TRANSFER OF MEMBERS

3.3.1 A MEMBER WHO HAVE MOVED FROM ONE CIRCUIT TO OTHER BEARING CERTIFICATE OF MEMBERSHIP AND RECOMMENDATION IF ANY FROM HIS MINISTER SHALL BE ADMITTED TO FULL MEMBERSHIP.

THE SYNOD SHALL BE CONVENED BY THE GENERAL SECRETARY UNDER THE INSTRUCTION OF THE ARCH-BISHOP IN WRITING AT LEAST 30 DAYS PRIOR THE DATE OF COMMENCEMENT.

#### II. DUTIES (FUNCTIONS AND OBLIGATIONS)

- A. TO ACCEPT OR REJECT RECOMMENDATIONS BY MAJORITY VOTE AND GIVE ORDERS AND DIRECTIONS.
- B. TO ADOPT AND AMEND THE CONSTITUTION.
- C. TO ACCEPT AND DISCUSS AND TAKE DECISIONS ON ALL APPEALS GENERALLY AND LOCALLY.
- D. TO DISCUSS ANY MOTION OF NON-CONFIDENCE AND TAKE A DECISION.
- E. TO ACCEPT THE NOMINATIONS AND ELECT THE LEADERS AND SENIOR OFFICERS IF DEEMED NECESSARY.
- F. TO SETTLE AND TAKE A DECISION ON ANY DIFFERENCE BETWEEN THE E.C.C. AND LEADERSHIP.
- G. TO APPROVE OR DISAPPROVE THE FINANCIAL STATEMENT (ANNUALLY) AND FIX ALLOWANCE OF THE ARCH-BISHOP AND GENERAL SECRETARY.
- H. TO ELECT THE ELECTORAL OFFICER FOR GENERAL ELECTIONS AND DETERMINE A DATE FOR THE CALLING OF NOMINATIONS AND A DATE FOR GENERAL ELECTIONS.

#### 21. INTER SYNOD.

- A. SHOULD IT BE NECESSARY FOR THE ARCH-BISHOP TO HAVE A DECISION OF THE SYNOD IN ANY URGENT MATTER HE IS HEREBY AUTHORIZED TO INSTRUCT THE GENERAL SECRETARY TO CONVOKE A SYNOD IN TWO CALENDAR WEEKS IN WRITING MATTERS TO BE DEALT WITH SHALL BE THOSE IN THE AGENDA AND ALL DECISIONS TAKEN IN SUCH A SYNOD SHALL BE VALID AS IF TAKEN IN ANNUAL SYNOD DURING THE DURATION OF ANY CONFERENCE THE ARCH-BISHOP CAN IF HE IS OF THE OPINION THAT A DECISION OF THE SYNOD MAY BE REQUIRED. SIMON ALL SYNOD OFFICERS TO A MEETING AND ANY DECISION TAKEN IN THAT INTER-SYNOD SHALL BE VALID AS IF TAKEN IN AN ANNUAL SYNOD.

THIS CONSTITUTION WAS ADOPTED BY THE ANNUAL SYNOD HELD AT BETHLEHEM ON THE 15TH SEPTEMBER 1990 AND COMPILED FOR PUBLICATION BY THE FOLLOWING OFFICERS,

- 1. ARCH-BISHOP M.J. MOLOI
- 2. BISHOP G.N. SWARTBOO
- 3. GENERAL SECRETARY J. MKWANAZI
- 4. MODERATOR J. MOISI
- 5. MODERATOR P.P. MABOYA
- 6. TREASURER G.F. GABA
- 7. MEMBER EX O. DOPORO

ALL ALTERATION AND AMENDMENTS WILL ONLY BE DONE BY THE PROPERLY CONVENED SYNOD THROUGH MAJORITY VOTES.







8. VACATION OF OFFICE BY CIRCUIT OFFICE BEARERS.

ANY OFFICE BEARER SHALL VACATE HIS OFFICE OR BE DEEMED TO HAVE VACATED HIS OFFICE IF HE,  
1. CONTINGENT ON THE PROVISION OF REG. 3.4 (A).  
2. PERMANENT OR RECEIVED BY DOCTORS AS PERMANENT LOSS OF MEMORY OR TOTALLY DISABLED.  
3. RESIGN TO THAT OFFICE.

9. MINISTRY (I CORINTHIANS 12:27-28)

9.1 QUALIFICATIONS

- A. A CIRCUIT EVANGELIST/STEWARD CAN BE APPOINTED TO THE OFFICE ORBAINED EVANGELIST OR STEWARD IF HE,
  1. HAS SERVED SATISFACTORY AS CIRCUIT EVANGELIST/ELDER FOR A PERIOD OF NOT LESS THAN 4 YEARS.
  2. HE HAS BEEN RECOMMENDED BY HIS MINISTER TO THE MODERATOR FOR APPOINTMENT
  3. HE HAS BEEN FULLY TESTED BY THE MODERATOR WHO WILL IN TURN MAKE RECOMMENDATION TO THE RESIDING OFFICER OF THE SYNOD
  4. HE COMPLES WITH THE PROVISION REG. 5.1 A
  5. HE IS ABLE TO READ, WRITE AND SPEAK AT LEAST ONE OFFICIAL LANGUAGE
  6. NOTWITHSTANDING ANY REG THE TRAINED MINISTER CAN BY APPOINTED TO THE OFFICE.

B. DUTIES.

1. ADMINISTER THE HOLY COMMUNION, BAPTISM, AND BURY THE DEAD.
2. TO SERVE AS MARSHALS AND USHERS DURING CONFERENCE AND SYNOD

9.2 MEMBER HAVING COMPLETED THEOLOGICAL TRAINING FOR MINISTRY

A. QUALIFICATIONS.

- ALTHOUGH THEOLOGICAL TRAINING IS AN IMPORTANT PART IN MINISTRY BUT OUR MINISTERS ARE RECOGNISED THROUGH ORINATION ONLY A MEMBER WHO THINKS THAT HE IS MOVED BY THE HOLY SPIRIT TO EXERCISE:  
1. THE DUTIES OF A MINISTER SHALL QUALIFES FOR APPOINTMENT IF HE,  
HAS APPLIED THROUGH HIS MODERATOR FOR ENROLLMENT AT A THEOLOGICAL TRAINING COLLEGE RECOGNISED BY OUR CHURCH THE MODERATOR SHOULD JUDNUN MAKE RECOMMENDATION TO THE ARCH-BISHOP OR BISHOP.  
2. AFTER OR DURING THEOLOGICAL TRAINING HE SHALL SERVE AS AN ORBAINED/ EVANGELIST FOR AT LEAST 2 YEARS.

3. HE COMPLES WITH THE PROVISION OF REG. 5.1

9.3 MINISTERS FROM OTHER DENOMINATIONS

- MINISTERS FROM OTHER DENOMINATIONS CAN BE APPOINTED TO OUR OFFICE OF MINISTRY AND SERVE AS A MINISTER IF HE,  
1. CAN BY APPOINTED TO OUR OFFICE OF MINISTRY AND SERVE AS A MINISTER.  
2. HAS APPOINTED AND BE ADMITTED BY THE SYNOD.  
3. HE IS AN ORBAINED MINISTER.  
4. HE SERVED ON MODATION FOR A PERIOD NOT EXCEEDING 2 YEARS UNDER PROPER GUIDANCE OF OUR MODERATOR BISHOP/ ARCH BISHOP.  
5. HE IS LEGALLY MARRIED  
6. HE IS FOUND AFTER COMPLETING HIS MODATIONAL PERIOD TO BE A MAN OF GOOD REPUTATION, CHARACTER AND FAITHFULNESS.

B. DUTIES OF MINISTERS

A. MINISTER SHALL.

1. BE HELD RESPONSIBLE FOR THE SMOOTH RUNNING OF THE CIRCUIT OF WHICH HE IS APPOINTED *in 5th place 27/06*
2. BURY THE DEAD, ADMINISTER THE HOLY COMMUNION, BAPTIST AND SPREAD CHRISTIANITY.
3. ATTEND CONFERENCES, SYNOD AND ALL OTHER LEGAL GATHERING CONCERNED BY HIS SENIORS. *Be responsible*
4. BE HELD RESPONSIBLE FOR THE FINANCIAL MATTERS CONCERNING HIS CIRCUIT.
5. BE ENTITLED TO ALLOWANCE DETERMINED BY THE SYNOD. *Be the executor*
6. BE HELD RESPONSIBLE FOR THE FINANCIAL REPORT OF HIS CIRCUIT. X

C. UNIFORM

MINISTER SHALL WEAR A BLACK GOWN OF OUR DESIGN, BLACK VEST, A COLLAR BUTTON BACK AT ALL SYNODS AND WHEN EVER PERFORMING HIS RELIGIOUS DUTIES.

10. MARRIAGE OFFICE

ANY MINISTER WHO MEET THE REQUIREMENTS OF THE MARRIAGE ACT CAN APPLY TO BE THE MARRIAGE OFFICER OF HIS CHURCH.

A. QUALIFICATION OF MARRIAGE OFFICER.

1. HE MUST BE IN POSITION OF STD. 8 OR HIGHER STD.
2. HE MUST HAVE PASSED THE TEST LAID DOWN BY DEPARTMENT OF HOME AFFAIRS IN RHETORIA
3. HE MUST HAVE PASSED THE TEST LAID DOWN BY DEPARTMENT OF HOME AFFAIRS IN RHETORIA

N.B. THE ABOVE MENTIONED MINISTERS WILL ONLY OFFICIATE AS MARRIAGE OFFICE AS LONG AS HE IS A MEMBER OF THIS CHURCH. IF HE VACANT HIS POST IN THIS CHURCH HIS SERVICES WILL BE TERMINATED

11. SUSPENSION OF MEMBERS OF OUR MINISTRY.

ANY MEMBER OF OUR MINISTRY (MINISTER, ORBAINED EVANGELIST, STEWARD) SHALL LIABLE TO SUSPENSION OR A PERIOD NOT EXCEEDING ONE YEAR IF HE,  
A. IF FAILING TO PERFORM HIS DUTIES IN ACCORDANCE WITH REG. 9.3 (B).  
B. HE CONTINGENCES THE PROVISION OF REG. 5.1 (A)

C. HE IS ABSENT WITHOUT LEAVE TO MORE THAN 2 GATHERINGS (CONFERENCE SYNOD) 2 CONSECUTIVE GATHERINGS

D. HE MISUSE THE CHURCH MONIES.

B.C. RIGHT OF APPEAL

A MEMBER OF MINISTRY CAN ONLY BE SUSPENDED BY THE JUDICIAL COMMITTEE. IF HE IS NOT SATISFIED WITH THE DECISION OF THE JUDICIAL COMMITTEE, HE CAN MAKE AN APPEAL TO THE EXECUTIVE CHURCH COUNCIL. IF STILL NOT SATISFIED TO THE SYNOD AND THE DECISION AND FINDINGS OF THE SYNOD SHALL BE FINAL.

12. VACATION OF OFFICE BY MEMBER OF MINISTRY.

- ANY MEMBER OF OUR MINISTRY SHALL VACATE HIS OFFICE OR BE DEEMED TO HAVE VACATED HIS OFFICE IF HE,  
1. IS DEAD  
2. HAS RESIGNED  
3. PERMANENT OR RECEIVED BY DOCTORS AS SUFFERING PERMANENT LOSS OF MEMORY OR HE IS DISABLED  
4. HE IS ABSENT WITHOUT LEAVE TO MORE THAN 3 CONSECUTIVE GATHERINGS AND THAT THE JUDICIAL COMMITTEE THROUGH JUDICIAL COMMITTEES THROUGH JUDICIAL PROCEEDINGS HAS RECOMMENDED TO THE SYNOD FOR EXCLUSION.  
5. HE IS FOUND GUILTY BY THE JUDICIAL COMMITTEE AND THE SYNOD FOR MALADMINISTRATION CONTRIBUTION OF ANY OTHER OFFENCE THAT IN THE OPINION OF THE SENIOR BODIES EXCLUSION IS THE LAST RESORT.



13. SENIOR OFFICENTS (ACTS 6:3 - 6)  
TREASURER GENERAL

A. QUALIFICATIONS

ANY MEMBERS OF THE CHURCH CAN BE NOMINATED AND ELECTED TO THE OFFICE OF A TREASURER.

IF HE:

1. HAS NOT BEEN FOUND GUILTY BY THE COURT OF LAW IN AT LEAST (FIVE) YEARS WHEREBY UNFAITHFULNESS WAS INVOLVED.
2. HE HAS NEVER BEEN FOUND GUILTY AND SUSPENDED THROUGH OUR JUDICIAL PROCEEDINGS.
3. HE IS WILLING AND FEELS HE HAS THE ABILITY TO SERVE IN THAT POSITION.

B. NOMINATIONS

TWO OR THREE NAMES SHALL BE NOMINATED BY THE INTER-SYNOD THREE MONTHS BEFORE ANNUAL SYMPOD.

IF ONLY ONE CANDIDATE IS NOMINATED NO ELECTION SHALL TAKE PLACE AND HE WILL BE RECORDED AS DULY ELECTED BY HE SHALL RESUME OFFICE A DAY AFTER ELECTIONS.

C. DUTIES OF THE TREASURER

HE SHALL BE:

1. RESPONSIBLE FOR BANKING OF ALL CHURCH MONIES.
2. KEEP A FINANCIAL RECORDS OF HIS BANKING.
3. TO DO ALL FINANCIAL WITHDRAWALS AND KEEP A CLEAR RECORD.
4. SUBMIT A FINANCIAL STATEMENT ANNUALLY TO THE SYMPOD AND AT ANY TIME WHEN DEMANDED BY THE CHURCH.
5. TO DRAW A FINANCIAL REPORT OF SYMPOD OR CONFERENCE AND GIVE A REPORT OF ALL MONIES COLLECTED BEFORE THE END OF THE CONFERENCE OR SYMPOD

THE GENERAL SECRETARY

A. QUALIFICATIONS

ANY MEMBER OF THE CHURCH CAN BE NOMINATED AND ELECTED IN TERMS OF SECTION SIXTEEN OF OUR REGULATION QUALIFIES TO BE NOMINATED AND ELECTED TO THE OFFICE OF THE GENERAL SECRETARY IF HE:

1. COMPLIES WITH THE REQUIREMENT OF SECTION 3.1 (9) A OF THIS CONSTITUTION
2. HE IS IN POSSESSION OF STD. 8, STD. 10 OR HIGHER EDUCATION.

B. NOMINATIONS

TWO OR THREE NAMES SHALL BE NOMINATED BY THE INTER SYMPOD COMEDED FOR THAT PURPOSE THREE MONTHS BEFORE THE ANNUAL SYMPOD IF ONLY ONE CANDIDATE IS NOMINATED NO ELECTION SHALL TAKE PLACE AND THAT CANDIDATE SHALL BECOMED TO HAVE BEEN DULY ELECTED AND HE SHALL RESUME OFFICE A DAY AFTER GENERAL ELECTED

C. DUTIES OF A GENERAL SECRETARY

THE GENERAL SECRETARY SHALL:

1. KEEP A CLEAR RECORD OF MINUTES OF THE SYMPOD AND EXECUTIVE CHURCH COUNCIL DOCUMENTS
2. TO DO ALL CORRESPONDENCE OF THE CHURCH AND TO OPEN A FILE OF ALL IMPORTANT DOCUMENTS
3. TO KEEP A CLEAR FINANCIAL RECORD AND TO DO WITHDRAWALS TOGETHER WITH THE TREASURER AND ARCH-BISHOP.
4. TO ADVISE THE ARCH-BISHOP AND BISHOP IN MATTERS AFFECTING THE GENERAL INTEREST OF THE CHURCH
5. TO ATTEND YOUTH GATHERINGS ON REQUEST AND GIVE ADVICE.
6. TO HAVE ASSES TO ALL DOCUMENTS, BOOKS OR ANYTHING THAT BELONG TO THE CHURCH IN ALL CIRCUIT.
7. TO RECEIVE CORRESPONDENCE OPEN IT AND DISCUSS IT WITH THE LEADERSHIP.

ASSISTANT GENERAL SECRETARY.

THE SYMPOD SHALL ELECT ANY SUITABLE PERSON TO BE ASSISTANT GENERAL SECRETARY AND ACT ON HIS BEHALF WHEN HE IS ABSENT.

MODERATORS

A. QUALIFICATIONS

ANY ORDAINED MINISTER CAN BE APPOINTED BY THE ARCH-BISHOP IF HE:

1. HE HAS SERVED SATISFACTORY AS A MINISTER FOR THE PERIOD OF NOT LESS THAN 4 YEARS
2. HE COMPLIES WITH THE PROVISIONS OF REG. 5.1.
3. HE IS ABLE TO READ, WRITE AND SPEAK AT LEAST ONE OFFICIAL LANGUAGE.

B. DUTIES

THE DUTIES OF THE MODERATORS SHALL BE:

1. TO BE RESPONSIBLE FOR THE SMOOTH RUNNING OF THE REGION HE HAS BEEN APPOINTED TO.
2. TO MAKE A REGULAR VISIT TO HIS REGION AND REPORT ALL MATTERS TO THE BISHOP OR ARCH-BISHOP.
3. TO HEAR ALL APPEAL FROM C.O.B. WITHIN HIS REGION AND MAKE DECISIONS.
4. TO MAKE RECOMMENDATION CONCERNING THE TRANSFER OF MINISTERS TO THE ARCH-BISHOP.
5. TO ACT ON BEHALF OF A BISHOP WHEN INSTRUCTED OR REQUESTED BY HIM ON RELIGIOUS AND LEGAL MATTERS.
6. TO REPORT RELIGIOUS DUTIES OF THE BISHOP IF HE IS NOT AVAILABLE.

C. UNIFORM

MODERATORS SHALL WEAR BLACK GOWN OF OUR DESIGN A BLACK VERTLOOK AND A COLLAR BUTTON BUCK AT ALL SUBURBS AND PERFORMING HIS RELIGIOUS DUTIES.

SUSPENSION RIGHTS OF APPEAL AND VOCATION OF OFFICE

THE PROVISION OF SECTION 8.1(A) AND 11 AND 12 (A) SHALL APPLY TO ALL SENIORS OFFICIALS EG. TREASURER, GENERAL SECRETARY AND HIS ASSISTANT AND ALL MODERATORS.

14. CHURCH LEADERS

14.1 THE BISHOP

A. QUALIFICATIONS

ANY MODERATOR OR A MINISTER WHO HAS SERVED AS A MODERATOR CAN BE ELECTED BY THE SYMPOD TO THE OFFICE OF THE BISHOP IF HE:

1. COMPLIES WITH THE REQUIREMENTS OF SECTION 4.1(A) AND 10(A)(A)
2. HIS EDUCATIONAL QUALIFICATIONS ARE ACCEPTABLE TO THE CENTRAL GOVERNMENTS.

14.2 DUTIES, POWERS AND FUNCTIONS

THE DUTIES OF THE BISHOP SHALL BE:

1. TO ASSIST AND ADVISE THE ARCH-BISHOP IN PERFORMING HIS LEGAL AND RELIGIOUS DUTIES
2. TO ACT ON BEHALF OF THE CHURCH IF THE ARCH-BISHOP IS NOT AVAILABLE IN ALL MATTERS TO ACT ON BEHALF OF THE ARCH-BISHOP WHEN INSTRUCTED OR REQUESTED BY HIM.

14.3 THE ARCH BISHOP

A BISHOP, MODERATOR OR MINISTER WHO HAS SERVED AS A MINISTER FOR A PERIOD OF NOT LESS THAN 10 (TEN) YEARS CAN BE ELECTED TO THE OFFICE OF THE ARCH-BISHOP.



1. He complies with the requirements of section 10.1(a) of this constitution
2. His educated qualifications are accepted to the central government.

#### DUTIES, POWERS AND FUNCTIONS

- I. The ARCH-BISHOP IS THE CHIEF EXECUTIVE OFFICER OF THE CHURCH
- II. IT IS HIS MAIN DUTY TO CARRY OUT EFFECTIVELY ALL DECISION RESOLUTIONS OF THE SYNOD AND ADMINISTERE ALL CHURCH AFFAIRS
- III. TO PRESIDE OVER THE SYNOD AND CONGREGENCE
- IV. TO MANAGE ALL FINANCIAL TRANSACTIONS TOGETHER WITH THE GENERAL SECRETARY AND TREASURER
- V. TO DO ALL PAYMENT AND REPORT BACK TO THE EXECUTIVE CHURCH COUNCIL
- VI. TO REPRESENT THE CHURCH IN ALL ACTIONS BROUGHT IN BY OR AGAINST THE CHURCH
- VII. TO APPOINT, APPOINT AND TRANSFER ALL MINISTERS AND MODERATORS
- VIII. TO TAKE CARE OF ALL MOVABLE AND IMMovable CHURCH PROPERTIES
- IX. TO PRINTS OR CAUSED TO PRINT ALL CHURCH DOCUMENTS
- X. TO BE CHIEF SUPERVISOR OF ALL CHURCH OFFICIALS AND LAY MEMBERS
- XI. TO PLAY A LEADING ROLE IN ALL RELIGIOUS GATHERINGS
- XII. TO HEAR APPEALS ARISING FROM THE JUDICIAL COMMITTEE AND TAKE RESOLUTIONS.

#### 14.4. SUSPENSION RIGHT OF APPEAL AND VACATION OF OFFICE

THE PROVISION OF SECTION 8.1 (a) AND 12 (a) SHALL APPLY TO CHURCH LEADERS WHICH ARE THE BISHOP OR ARCH-BISHOP.

#### 14.5. MOTION OF NON-CONFIDENCE.

ANY MINISTER IN CHARGE OF CIRCUIT OR ANY MODERATOR CAN WRITE A MOTION OF NON-CONFIDENCE CONCERNING THE OFFICE OF THE BISHOP OR ARCH-BISHOP BY FOLLOWING THIS PROCEDURES.

1. OBTAIN AT LEAST 3 SIGNATURES OF THE SYNOD OFFICERS FROM EACH REGION AND DRAW UP THE MEMORANDUM CONTAINING THE REASON IN SUPPORT OF THE MOTION.
2. FORWARD THE SAID MEMORANDUM TO THE GENERAL SECRETARY AND THE OTHER LEADER WHO IS NOT INCLUDE IN THE MEMORANDUM.
3. THE MANER OF DEALING WITH A MOTION OF NON-CONFIDENCE
4. UPON RECEIPT OF A MOTION OF NON-CONFIDENCE SECRETARY SHALL REQUEST THE PERSON CONCERNED TO RESPOND IN WRITING AND COMMENT ANSWER OF QUESTION THE MEMORANDUM.
5. THE GENERAL SECRETARY SHALL FORWARD THE MOTION AND ANSWER TO THE SYNOD FOR DECISION.
6. THE SYNOD SHALL DISCUSS THE MATTER AND TAKE A DECISION THAT MAY BE TO ACCEPT OR TO REJECT THE MOTION.
7. NOTWITHSTANDING THE PROVISION OF ANY OTHER REGULATION MENTIONED IN THIS CONSTITUTION, THE SYNOD THROUGH MAJORITY VOTES SHALL SUSPEND, EXPEL, REMOVE OR UNSEAT THE SAID LEADER.
8. THE BISHOP OR THE ARCH-BISHOP SHALL NOT PRESIDE OVER SYNOD IF THERE IS A MOTION OF NON-CONFIDENCE AND HE IS THE PERSON CONCERN.
9. IF BOTH LEADERS ARE CONCERNED THE SENIOR MODERATOR SHALL PRESIDE OVER THE SYNOD AND IF BOTH LEADERS HAVE BEEN OUT HE SHALL TAKE UP LEADERSHIP UNTIL ELECTIONS.

#### 14.6. VACATION OF OFFICERS AND SUSPENSION.

1. THE ARCH-BISHOP, BISHOP SHALL VACATE HIS OFFICE OR BEEMED TO HAVE VACATE HIS OFFICE IF HE, CONTRAVENES THE PROVISION OF SECTION 12.

#### 14.7. SUSPENSION

THE PROVISION OF SECTION 11 SHALL APPLY TO THE ARCH-BISHOP OR BISHOP.

#### 14.8. TRANSFERRE

- A. THE ARCH-BISHOP MAY, IN PERFORMING HIS DUTIES TRANSFERRE ANY MINISTER OR MODERATOR TO ANOTHER CIRCUIT OF REGION. THE PLACE ON WHICH THE SAID PERSON IS TRANSFERRED SHALL REFLECT ON HIS APPOINTMENT CERTIFICATE.
- B. THE ARCH-BISHOP SHALL IF REQUESTED ALLOW NOT LESS THAN 30 DAYS PREPARATION PERIOD TO THE TRANSFERRED PERSON AND AT THE EXPIRY OF SUCH PERIOD, THE SAID PERSON SHALL BY HELD RESPONSIBLE FOR ANYTHING THAT MAY OCCUR IN THAT CIRCUIT OR REGION.
- C. THE MINISTER, MODERATOR SHALL IF TRANSFERRED FORFEIT ALL THE RIGHTS AND PRIVILEGE OF HIS PREVIOUS CIRCUIT OR REGION AND HE SHALL HAND OVER THE CONTROL OF ALL CHURCH PROPERTIES, DOCUMENTS OR ANYTHING THAT BELONG TO THAT CIRCUIT TO HIS SENIOR WHO WILL TURN HAND, IT OVER TO THE APPOINTE PERSON TO SERVE SUCH CIRCUIT OR REGION.
- D. ANY PERSON WHO REFUSE TO BE TRANSFERRED OR DOES NOT NEED THAT CALL SHALL BE SUBJECT TO EXPELUSION OR SUSPENSION IN ACCORDANCE WITH THE JUDICIAL PROCEEDING OF THIS CHURCH.

#### AUXILIARIES

#### 15. YOUNG PEOPLE WORSHIPPING LEAGUE

##### A. MEMBERSHIP

ALL YOUTH ABOUT THE AGE OF 7 SHALL BE MEMBER OF THE Y.P.W.L. AND ANY ADULT WHO WISHES TO PARTICIPATE IN Y.P.W.L. IS AT LIBERTY TO JOIN.

##### B. DUTIES

1. TO RAISE MONEY BY WAYS AND MEANS.
2. TO MAKE THEIR OWN ADMINISTRATIVE LAWS WHICH SHALL AFTER THE APPROVAL OF THE SYNOD BY BINDING TO ALL ITS MEMBERS.
3. TO REPORT ALL DUES AS REQUIRED BY THE YOUTH COMENTION.
4. TO ESTABLISH CHURCH CHOIRS AND PARTICIPATE IN THE CHURCH COMPETITIONS.
5. TO ELECT THE CHAIRMAN AND COMMITTEE MEMBERS

#### WOMEN'S PRAYER (SPES BONA)

##### A. MEMBERSHIP

ALL WOMEN HAVING A CHURCH UNIFORM WILL FROM THE DAY OF OBTAINING THEIR UNIFORM BECOME MEMBERS OF THIS ORGANISATION THE CHAIRPERSON SHALL BE THE MINISTER'S WIFE.

##### B. DUTIES

1. TO RAISE FUNDS BY WAYS AND MEANS
2. TO MAKE THEIR OWN ADMINISTRATIVE LAWS, WHICH AFTER THE APPROVAL OF THE SYNOD SHALL BE BINDING TO ALL ITS MEMBERS.

#### 16. PROSECURE OF MEETINGS

ALL MEETINGS OF ORGANISATION SHALL BE SMOOTHLY RESURED IN ACCORDANCE WITH THE FOLLOWING SUB-REGULATIONS.

#### 16.1. ATTENDANCE REGISTER

ALL MEMBERS PRESENT AT A MEETING SHALL IDENTIFY THEMSELVES BY PRODUCING TO THE CHAIRPERSON THE APPOINTMENT OR MEMBERSHIP CERTIFICATES WHO SHALL EXAMINE THE SAID DOCUMENTS AND INSTRUCT THE SECRETARY TO INDOBE THEIR NAMES ON THEIR ATTENDANCE REGISTER.



IF FOR ANY REASON ACC. TABLE TO THE CHAIR-PERSON A MEMBER IS UNABLE TO PRODUCE HIS OR HER APPOINTMENT OF MEMBERSHIP CERTIFICATE HIS OR HER SENIOR SHALL CONFIRM IN WRITING THAT THE SAID PERSON IS ENTITLED TO ATTEND SUCH MEETING.

16.2 QUARUM

A QUARUM SHALL BE COMPOSED OF MORE THAN HALF OF MEMBERS ENTITLED TO PARTICIPATE AT A MEETING.

16.3 MANNERS OF GIVING NOTICE OF MOTION

- A. WRITTEN NOTICE SHALL BE LODGED WITH THE SECRETARY AT LEAST 7 DAYS BEFORE A MEETING, AND EVERY MOTION SHALL RELATE TO SOME MATTER AFFECTING THE ADMINISTRATION OR CONDITION IN THE ADMINISTRATION OF THE CHURCH. A MEMBER INTRODUCING MOTION SHALL HAVE A RIGHT OF REPLY.
- B. IF A MEMBER INTRODUCES A MOTION THAT IS AMEND AT THE REVOCATION OR ATTENDMENT OF A RESOLUTION OF A MEETING TAKEN WITHIN A YEAR OR HAS THE SAME PURPOSE OF A MOTION THAT WAS VOTED DOWN WITHIN A YEAR SUCH MOTION SHALL BE PLACED ON THE AGENDA ONLY AT THE DISCRETION TO THE CHAIR-PERSON.

16.4 UNPOSED AND IRREGULAR MOTION

A CHAIRMAN IS ENTITLED TO PUT FORWARD ANY UNPOSED MOTION TO A MEETING THAT FALLS WITHIN HIS DUTIES POWERS AND FUNCTIONS AS AN OFFICE BEARER, AND HE MAY DISALLOW ANY MOTION OR PROPOSAL WHICH IN HIS OR HER OPINION WOULD LEAD TO THE DISCUSSION OF A MATTER ALREADY CONTAINED IN THE AGENDA OR WHICH IN HIS OPINION HAS NO BEARING ON THE CHURCH OR IN RESPECT OF WHICH THE MEETING IN HIS OPINION HAS NO JURISDICTION AND HE OR SHE SHALL DISALLOW ANY MOTION OR PROPOSAL WHICH IF AGREED TO WOULD BE CONTRARY TO THE PROVISIONS HEREOF OF THE CHURCH REGULATION OR ANY LAW.

16.5 MATTER TO COME BY WAY OF PROPOSAL

NO MATTER SHALL BE DEEMED TO HAVE BEEN PUT TO THE MEETING FOR A DECISION UNLESS A PROPOSAL ON SUCH MATTER HAS BEEN MADE AND FULLY SECONDED.

16.6 PROCEDURE DURING THE MEETING

16.6.1 THE CHAIR-PERSON IS ENTITLED TO

- A. MAINTAIN ORDER IN THE MEETING WHOSE DECISION ON ANY POINT OF ORDER SHALL NOT BE OPEN TO APPEAL AND SHALL NOT BE REVIEWED BY THE MEETING.
- B. CALL THE ATTENTION OF THE MEMBER TO IRRELEVANCY, TENDRUS, REPETITION UNBECOMING LANGUAGE OR ANY BREACH OF ORDER ON THE PART OF A MEMBER AND SHALL ORDER SUCH MEMBER, IF SPEAKING, TO DISCONTINUE HIS SPEECH OR IN THE EVENT OF PERSISTENT DISREGARD OF THE CHAIR-PERSON AUTHORITY TO RETIRE FROM THE MEETING.
- C. THE CHAIR-PERSON MAY NOT WITHSTANDING THE PROVISION OF ANY REGULATION MENTIONED IN THIS CONSTITUTION EXCLUDE FROM HIS MEETINGS FOR SUCH A PERIOD NOT EXCEEDING 3 MEETINGS AS HE MAY DETERMINE ANY MEMBER WHO WILL-FULLY DISREGARDING THE AUTHORITY OF THE CHOR OF WILL-FULLY OBSTRUCTING THE BUSINESS AT ANY MEETING AND SUCH WILLING SHALL BE FINAL AND SHALL NOT BE OPEN FOR DISCUSSION.
- D. THE CHAIR-PERSON SHALL PUT EVERY OPPOSED PROPOSAL TO A VOTE BY CALLING UPON THE MEMBERS TO INDICATE BY SHOW OF HANDS AND HE SHALL HAVE A VOTE AS WELL AS CUSTING VOTE. HE SHALL FORTHWITH DECLARE THE RESULTS OF SUCH VOTE.
- E. UPON THE DECLARATION UNDER SUB-REGULATION (D) OF THE RESULTS OF A VOTE A MEMBER MAY RISE AND PUT TO THE CHAIR-PERSON A DEMAND THAT VOTE BE RECORDED AGAINST THE DECISION CONCERNED BUT THAT WILL NOT CHANGE THE DECISION.

16.6.2 A MEMBER SHALL

1. STAND WHILE SPEAKING AND SHALL ADDRESS THE CHAIR-PERSON AND SHALL NOT ADDRESS OR CALL ANY MEMBER BY HIS OR HER NAME OTHER THAN HIS OR HER TITLE AND THEN CALLING THE NAME.
2. STAND WHEN THE CHAIR-PERSON ENTERS THE MEETING AND SHALL NOT PASS BETWEEN THE CHAIRS OF A SPEAKING MEMBER, READ NEWS PAPERS OR BOOKS OR DISCUSS ANY MATTERS NOT REGARDING THE MEETING AND SHALL RAISE IN THE CENTRE AND BOW TO THE CHAIR WHEN LEAVING AND ENTERING THE MEETING.
3. NOT USE OFFENSIVE LANGUAGE OR INSULTING LANGUAGE OR PERSONAL CHANGE IN REFERENCE TO ANY MEMBER OR PERSONAL CONDUCT SAVE ON A MOTION LODGED FOR SUCH PURPOSE.

16.7 MEMBER DOCUMENTS OF RECORDS

ANY MEMBER PUBLISHING OR CAUSING TO BE PUBLISHED OR DISCLOSE ANY DOCUMENT, RECORD OR DECISION OF A MEETING THAT HAS MEANT TO BE CONFIDENTIAL OR TO BE MAINTAINED AS A SECRET SHALL BE SUBJECT TO SUSPENSION IN ACCORDANCE WITH THE JUDICIAL PROCEEDING OF THIS CHURCH REGULATION.

16.8 IN THE EVENT OF GREAT DISORDER

IN THE EVENT OF GREAT DISORDER ARISING DURING OR BEFORE THE MEETING THE CHAIR-PERSON MAY ADJOURN OR SUSPEND THE MEETING FOR SUCH REASONABLE PERIOD AS HE MAY DETERMINE.

16.9 MEMBER TO LOOK AFTER INTEREST OF THE CHURCH

IN ADDITION TO PERFORMING ANY OTHER DUTIES IMPOSED ON HIM OR HER EACH MEMBER SHALL LOOK AFTER THE INTEREST OF THE CHURCH NOT HIS OR HER PERSONAL INTEREST.

17. ELECTIONS

IF FOR ANY REASON STIPULATED IN THE REGULATION THE OFFICE OF A SENIOR OR ANY MEMBER BECOME VACANT THE FOLLOWING PROCEDURE SHALL BE FOLLOWED FOR ELECTIONS.

17.1 ELECTORAL OFFICER

THE EXECUTIVE CHURCH COUNCIL SHALL APPOINT A SUITABLE MEMBER OF THE CHURCH TO BE AN ELECTORAL OFFICER AND THE ELECTORAL OFFICER SHALL:  
A. ATTEND THE MEETING OF THE SYNOD AND OBTAIN INSTRUCTION ON A DATE OF ELECTIONS.  
B. HAVE ASSES TO THE CHURCH RECORDS AND DOCUMENTS FOR THE PURPOSE OF PREPARING A VOTERS LIST, AND PREPARE A VOTE LIST OF MEMBERS AS HE MAY DEEMED NECESSARY TO SERVE AS HIS ASSISTANT.

17.2 VOTERS LIST

- A. PARTICULARS SPECIFIED BELOW SHALL REFLECT ON THE VOTERS LISTS.
  - I. NAME AND SURNAME
  - II. RESIDENCE
  - III. TITLE
- B. VOTERS LIST PREPARED BY THE ELECTORAL OFFICER SHALL BE AVAILABLE FOR PUBLIC INSPECTION BY ALL MEMBERS AT A CONSPICUOUS PLACE TO BE PUBLISHED BY THE ELECTORAL OFFICER AT LEAST THREE DAYS PRIOR TO THE ELECTIONS.
- C. ANYTIME DURING SPECIFIED PERIOD THE ELECTORAL OFFICER MAY:
  - I. ADD TO SUCH LIST THE NAMES OF VOTERS COMPETERS TO BE ENROLLED.
  - II. CORRECT FROM SUCH LIST THE NAMES OF VOTERS NOT COMPETERS TO VOTE
  - III. CORRECT ANY ERROR IN THE PARTICULARS OF PERSON WHO ENROLLED OR ADD ANY PARTICULARS OMITTED.



17.3 NOMINATIONS.

- A. THE ELECTORAL OFFICER SHALL DURING THE MEETING OF THE SYNOD OR INTER-SYNOD CALL FOR NOMINATIONS AND MEMBERS WHO WISH TO BE NOMINATED SHALL COLLECT A FORM FROM THE ELECTORAL OFFICER AND OBTAIN FIVE (5) SIGNATURES OF THE PERSONS CONSENT TO VOTE WITHIN A MONTH FROM THE DATE OF WHICH NOMINATIONS HAS BEEN CALLED. SUCH FORM SHALL BE SIGNED BY THE NOMINEE AND PARTICULARS OF PERSONS WHO NOMINATED HIM SHALL REFLECT AS STIPULATED IN SECTION 16.2.
- B. IF NOT MORE THAN ONE CANDIDATE HAS BEEN NOMINATED FOR ELECTION IN RESPECT ON ANY PARTICULAR OFFICE THE ELECTORAL OFFICER SHALL DECLARE SUCH CANDIDATE TO HAVE BEEN DULY ELECTED IN RESPECT OF SUCH OFFICE.

17.4 BALLOT PAPER (SECRET)

Immediately after the expiry of the nomination date the electoral officer shall make ballot paper and the name of the candidate shall reflect on such ballot papers.

17.5 MANNER OF VOTING.

- A. THE VOTING IN ELECTIONS SHALL BE BY SECRET BALLOT PAPERS AND SHALL BE AS FOLLOWS, THE PERSON WISHING TO VOTE SHALL APPLY TO A ELECTORAL OFFICER OF HIS ASSISTANT FOR A BALLOT PAPER AND TO IDENTIFY HIMSELF SHALL PRODUCE HIS APPOINTMENT OF MEMBERSHIP CERTIFICATE AND IF FOR ANY REASON HE IS UNABLE TO PRODUCE THE SAID DOCUMENT THE ELECTORAL OFFICER MAY MAKE ENQUIRY AND IF IS SATISFIED HE SHALL ISSUE SUCH PERSON WITH BALLOT PAPERS.
- B. THE ELECTORAL OFFICER SHALL DRAW A LINE THROUGH THE PARTICULARS OF SUCH VOTER ON THE VOTERS LIST AS PROOF OF THE ISSUE OF BALLOT PAPER.
- C. WHEN THE VOTER CONCERNED HAS RECEIVED THE SAID BALLOT PAPER HE SHALL TAKE IT TO THE POLLING BOOTH PROVIDED FOR SUCH PURPOSE AND SIGNIFY THE CANDIDATE FOR WHOM HE WISHES TO VOTE SECRETLY BY PLACING A CROSS IN THE SQUARE OPPOSITE THE NAME OF SUCH CANDIDATE ON SUCH BALLOT PAPER.
- D. THEREUPON HE SHALL FOLD THE SAID BALLOT PAPER AND HAVING SO FOLDED UP THE SAID BALLOT PAPER THAT THE ELECTORAL OFFICER CONCERNED IS UNABLE TO IDENTIFY HIS MARK SHALL DEPOSIT SUCH BALLOT PAPER IN TO THE BALLOT BOX PLACED IN FRONT OF THE ELECTORAL OFFICER.
- E. IF FOR ANY REASON A VOTE IS UNABLE TO RECORD HIS VOTE IN A MANNER DESCRIBED IN SECTION D HE MAY REQUEST THE ELECTORAL OFFICER TO COMPLETE HIS BALLOT PAPER ON HIS BEHALF AND THEREUPON THE ELECTORAL OFFICER WITH DUE REGARD TO THE MAINTENANCE OF SECRECY AND IN THE PRESENCE OF ONE WITNESS OF THE SAID VOTER'S CHOICE, SHALL OPEN CROSS OPPOSITE THE NAME OF THE CANDIDATE ORALLY SIGNED BY SUCH VOTER AND THEREUPON HANDOVER THE BALLOT PAPER TO SUCH VOTER TO TAKE IT TO THE POLLING BOOTH.
- F. AN ELECTORAL OFFICER SHALL REJECT A BALLOT PAPER AS INVALID AND SHALL NOT COUNT IT IF SUCH BALLOT PAPER,
  - I. GIVES VOTES TO MORE THAN ONE CANDIDATE
  - II. IS UNMARKED

17.6 COUNTING OF VOTES

THE VOTERS LIST OF EACH CANDIDATE SHALL BE COUNTED BY THE ELECTORAL OFFICER OR HIS ASSISTANT AT THE PRESENCE OF CANDIDATES AND SHALL BE CHECKED TO THEIR SATISFACTION.

17.7 PUBLICATION OF NAMES ELECTED

AS SOON AS THE NAMES OF THE CANDIDATE ELECTED HAS BEEN KNOWN BY DETERMINING THE ONE WITH MAJORITY VOTES THE ELECTORAL OFFICER SHALL ANNOUNCE THE NAME OF THE SUCCESSFUL CANDIDATE AND THE NUMBER OF VOTES OBTAINED AND DECLARE THE CANDIDATE AS BEEN DULY ELECTED.

18. ADMINISTRATION BODIES

19.1 CIRCUIT OFFICIAL BOARD

- A. MEMBERSHIP  
ALL DEACONS CIRCUIT EVANGELIST AND ELDETS SHALL BE MEMBERS OF C.O.B.
- B. DUTIES AND FUNCTIONS
  1. TO PROVIDE THE MINISTER SUPPORT, GIFTS AND ANYTHING THAT WILL FACILITATE THE SPIRITUAL NEEDS AND ADMINISTRATION OF HIS DUTIES.
  2. TO ELECT AMONG ITS MEMBERS A COMMITTEE WHICH WILL ACT ON THEIR BEHALF ON URGENT AND IMPORTANT MATTERS AND MANAGE THEIR FINANCIAL TRANSACTIONS AND TO ELECT A TREASURER AND SECRETARY.
  3. TO SETTLE ALL JUDICIAL MATTERS ARISING FROM THEIR CIRCUITS MEMBERS AND TO TAKE THE NECESSARY DISCIPLINARY ACTIONS.
  4. TO BE RESPONSIBLE FOR THE SMOOTH RUNNING OF THEIR CIRCUIT OFFICE.
  5. TO ADVISE THE MINISTER IN ALL MATTERS CONCERNING THE ADMINISTRATION OF THEIR CIRCUIT.
  6. TO TAKE CARE OF ALL MOVABLE AND IMMOVABLE CHURCH PROPERTIES.

19.2 CIRCUIT EXECUTIVE COMMITTEE

- A. THE MODERATOR IN CONSULTATION WITH THE MINISTER SHALL CONVOKE THE C.O.B. IN ORDER TO ELECT THE C.E.C.
- B. THE CHAIRMAN OF THE C.E.C. SHALL BE NOMINATED BY THE MODERATOR.
- C. THE C.E.C. SHALL REFORM ALL DUTIES OF THE C.O.B. AND REPORT QUARTERLY TO THE C.O.B.
- D. THE COMMITTEE SHALL MEET AT LEAST ONCE A MONTH AND SHALL KEEP A CLEAR RECORD OF THEIR MINUTES.
- E. THE ARCH-BISHOP, BISHOP, MODERATOR OR GENERAL SECRETARY SHALL HAVE AN ASSES ON ALL DOCUMENTS AND BOOKS OF EACH CIRCUIT.

19.3 DISSOLUTION OF THE C.E.C.

IF THE MODERATOR IS OF THE OPINION THAT THE C.E.C. DOES NOT REFORM ITS DUTIES PROPERLY HE MAY DISSOLVE SOME MEMBERS OR ALL MEMBERS OF THE C.E.C. AND REPORT BACK TO THE BISHOP OR ARCH-BISHOP. THE MINISTER CANNOT DISSOLVE THE C.E.C. BUT THEY CAN MAKE RECOMMENDATIONS TO THE MODERATOR.

19.4 JUDICIAL COMMITTEE.

THE SYNOD SHALL ELECT AMONG ITS MEMBERS 2, 3, 4 AND 5 MEMBERS TO SERVE AS A JUDICIAL COMMITTEE. THE CHAIRMAN AND SECRETARY SHALL BE NOMINATED BY THE ARCH-BISHOP IN CONSULTATION WITH THE BISHOP.

A. DUTIES.

1. SETTLE ALL MATTERS ARISING FROM THE C.O.B. OR SENT TO IT BY THE CHURCH LEADS.
2. SUSPEND ALL MEMBERS FOUND GUILTY TO A PERIOD NOT EXCEEDING (TWO) 2 YEARS.
3. MAKE RECOMMENDATION FOR EXCLUSION OF ANY MEMBER TO THE SYNOD.
4. SEND A COPY OF THEIR MINUTES TO THE GENERAL SECRETARY.
5. AVOID TO BE PARTIAL AND TREAT ALL CASES EQUALLY AND FAIRLY.

19.5 CONFERENCES

THE GENERAL SECRETARY WHEN INSTRUCTED BY THE ARCH-BISHOP SHALL CONVOKE IN WRITING ALL CONFERENCES. THE LETTER SHALL BE DIRECTED TO THE MINISTER IN CHARGE AT LEAST A MONTH PRIOR TO THE DATE OF

19.6

COMMENCEMENT OF THE SAID CONFERENCE DUTIES, OBLIGATIONS AND THE COMPOSITION OF EACH PARTICULAR CONFERENCE SHALL BE AS FOLLOWS.

EASTER CONVENTION

THE MAIN PURPOSE OF THIS CONFERENCE SHALL BE THE WOMEN'S PRAYER CONVENTION. BUT THE MEN SECTION SHALL ALSO BE BOUND TO ATTEND IN ORDER TO PERFORM THE DUTIES AND FUNCTIONS AS Laid DOWN IN SUB-SECTION (1).

1. WOMEN'S CONVENTION

ALL MEMBERS OF THE WOMEN'S PRAYER WHO QUALIFIES IN TERMS OF SECTION (14.04) OF THIS REGULATION SHALL ATTEND THE WOMEN'S CONVENTION. THE CHAIRLADY SHALL BE THE LADY ARCH-BISHOP OR LADY-BISHOP IF NOT AVAILABLE.

DUTIES AND FUNCTIONS.

- A. TO RAISE FUNDS BY WAYS AND MEANS.
- B. TO ELECT THE RECORDING SECRETARY AND HER ASSISTANT.
- C. TO MAKE RECOMMENDATION FOR THE ADMINISTRATION BY LAWS.
- D. TO ACCEPT ALL CHURCH DUES WITHIN THEIR JURISDICTION AND REPORT AND HANDOVER TO THE GENERAL SECRETARY AND TREASURER.
- E. TO ACCEPT CHURCH LADIES INSPECTORATE AS NOMINATED BY THE LADY ARCH-BISHOP IN CONSULTATION WITH THE LADY-BISHOP.
- F. TO ISSUE MEMBERSHIP CERTIFICATES AMONG ITS MEMBERS
- G. REPRIMAND AND FORWARD DISOBEDIENT MEMBERS TO THE JUDICIAL COMMITTEE.

11. MEN'S SECTION IN EASTER CONFERENCE

ALL OFFICE BEARERS AS Laid DOWN IN SECTION 5 AND MEMBERS OF MINISTRY SECTION 9 SENIOR OFFICIAL SEE (2) AND LEADERSHIP SEE (13) WILL BE BOUND TO ATTEND THE CONFERENCE. THE CHAIRMAN SHALL BE THE BISHOP OR MODERATOR IF THE BISHOP IS NOT AVAILABLE.

DUTIES.

- A. TO PRESENT A FINANCIAL STATEMENT FOR THE VERY PRESENT CONFERENCE AND FORWARD TO THE SYNOD.
- B. TO MAKE RECOMMENDATION FOR ORDERS RESOLUTIONS AND REGULATIONS TO THE SYNOD.
- C. TO ELECT THE CONFERENCE SECRETARY WHO SHALL ALSO ACT AS AN ASSISTANT GENERAL SECRETARY.
- D. TO MAKE RECOMMENDATIONS TO THE EXECUTIVE CHURCH COUNCIL REGARDING THE AGENDA FOR THE SYNOD.
- E. TO ADVISE THE JUDICIAL COMMITTEE.
- F. TO ACCEPT NOMINATION FOR THE OFFICE OR SENIOR OFFICERS AND LEADERSHIP AND FORWARD TO THE SYNOD FOR ELECTIONS.
- G. TO DISCUSS RECOMMENDATIONS FROM THE YOUNG PEOPLE'S WORSHIPING LEAGUE AND MAKE RECOMMENDATIONS FOR ITS ACCEPTION OR REJECTION TO THE SYNOD.

19.7 YOUNG PEOPLE'S CONVENTION.

THE MAIN PURPOSE SHALL BE THE YOUNG PEOPLE'S CONVENTIONS BUT THE MEN'S SECTION AND WOMEN'S PRAYERS SHALL BE BOUND TO ATTEND AND PERFORM THE DUTIES AND OBLIGATIONS AS Laid DOWN IN SEE (AND II) OF THIS REGULATIONS ALL MEMBERS OF THE 7 R.W.C. AS Laid DOWN IN SECTION 14.1 SHALL BE BOUND TO ATTEND THE CONVENTION.

20.

THE GOVERNING BODIES (COUNCIL)

20.1 EXECUTIVE CHURCH COUNCIL

THE EXECUTIVE CHURCH COUNCIL SHALL BE COMPOSE OF THE MODERATORS, GENERAL SECRETARY, TREASURER AND THREE MINISTERS NOMINATED BY THEM. THE SENIOR MODERATOR SHALL BE THE CHAIRMAN.

DUTIES.

- A. TO ADVISE THE LEADERSHIP IN GENERAL MATTERS AFFECTING THE GENERAL INTEREST OF THE CHURCH.
- B. TO PREPARE THE FINANCIAL REPORT AND MAKE RECOMMENDATIONS TO THE SYNOD.
- C. TO PREPARE THE AGENDA FOR THE SYNOD AND PLACE IT BEFORE THE LEADERSHIP FOR APPROVAL.
- D. TO KEEP A CLEAR RECORD OF THE MINUTES AND PLACE THEM BEFORE THE LEADERSHIP FOR COMMENT.
- E. TO DISCUSS ALL MATTERS PLACED TO THEM BY LEADERSHIP FOR RECONSIDERATION.
- F. TO DISCUSS ALL MATTERS PLACED TO THEM BY LEADERS FOR RECOMMENDATIONS FOR DECISIONS.
- G. TO RECEIVED RESPONSIBILITY FROM THE GENERAL SECRETARY AND DISCUSS IT.

20.2 (MEETING)

THE EXECUTIVE CHURCH COUNCIL SHALL MEET BEFORE THE COMMENCEMENT OF A CONFERENCE AND SYNOD OR ANYTIME AND DEEMED BY THE LEADERS WHEN THEY REQUIRES ITS DECISION.

20.3 THE SYNOD.

THE SYNOD IS THE SUPREME GOVERNING BODY WHEN DULY CONVENED IN TERMS OF THIS CONSTITUTION. THE FINDINGS, DECISIONS, RULES, RESOLUTION, ORDERS AND DIRECTIONS OF THE SYNOD SHALL BE BINDING TO THE WHOLE CHURCH. DISOBEDIENCE THEREOF RENDER ANY PERSON FOR SUSPENSION AND ANY CONVICTION STIPULATED IN TERMS OF THIS CONSTITUTION. THE ARCH-BISHOP SHALL CHAIR THE SYNOD MEETINGS. COMPOSITIONS AND CONVENING OF THE SYNOD. THE SYNOD SHALL COMPOSE OF ARCH-BISHOP, BISHOP, MODERATOR, MINISTER ORDAINED STEWARD ORDAINED EVANGELIST AND YOUTH REPRESENTATIVE FROM EACH REGION.



19.6

COMMENCEMENT OF THE SAID CONFERENCE DUTIES, OBLIGATIONS AND THE COMPOSITION OF EACH PARTICULAR CONFERENCE SHALL BE AS FOLLOWS.

**EASTER CONVENTION**  
THE MAIN PURPOSE OF THIS CONFERENCE SHALL BE THE WOMEN'S PRAYER CONVENTION, BUT THE MEN SECTION SHALL ALSO BE BOUND TO ATTEND IN ORDER TO REPORT THE DUTIES AND FUNCTIONS AS Laid DOWN IN SUB-SECTION (1).

**1. WOMEN'S CONVENTION**

ALL MEMBERS OF THE WOMEN'S PRAYER WHO QUALIFIES IN TERMS OF SECTION (14.2A) OF THIS REGULATION SHALL ATTEND THE WOMEN'S CONVENTION. THE CHAIRLADY SHALL BE THE LADY ARCH-BISHOP OR LADY-BISHOP IF NOT AVAILABLE.

**DUTIES AND FUNCTIONS.**

- A. TO RAISE FUNDS BY WAYS AND MEANS.
- B. TO ELECT THE RECORDING SECRETARY AND HER ASSISTANT.
- C. TO MAKE RECOMMENDATION FOR THE ADMINISTRATION BY LAWS.
- D. TO ACCEPT ALL CHURCH DUES WITHIN THEIR JURISDICTION AND REPORT AND HANDOVER TO THE GENERAL SECRETARY AND TREASURER.
- E. TO ACCEPT CHURCH LADIES INSPECTORATE AS NOMINATED BY THE LADY ARCH-BISHOP IN CONSULTATION WITH THE LADY-BISHOP.
- F. TO ISSUE MEMBERSHIP CERTIFICATES AMONG ITS MEMBERS
- G. REPRIMAND AND FORWARD DISOBEDIENT MEMBERS TO THE JUDICIAL COMMITTEE.

**II. MEN'S SECTION IN EASTER CONFERENCE**

ALL OFFICE BEARERS AS Laid DOWN IN SECTION 5 AND MEMBERS OF MINISTRY SECTION 9 SENIOR OFFICIAL SEE (2) AND LEADERSHIP SEE (13) WILL BE BOUND TO ATTEND THE CONFERENCE. THE CHAIRMAN SHALL BE THE BISHOP OR MODERATOR IF THE BISHOP IS NOT AVAILABLE.

**DUTIES.**

- A. TO PRESENT A FINANCIAL STATEMENT FOR THE YEAR PRESENT CONFERENCE AND FORWARD TO THE SYNOD.
- B. TO MAKE RECOMMENDATION FOR ORDERS RESOLUTIONS AND REGULATIONS TO THE SYNOD.
- C. TO ELECT THE CONFERENCE SECRETARY WHO SHALL ALSO ACT AS AN ASSISTANT GENERAL SECRETARY.
- D. TO MAKE RECOMMENDATIONS TO THE EXECUTIVE CHURCH COUNCIL REGARDING THE AGENDA FOR THE SYNOD.
- E. TO ADVISE THE JUDICIAL COMMITTEE.
- F. TO ACCEPT NOMINATION FOR THE OFFICE OR SENIOR OFFICERS AND LEADERSHIP AND FORWARD TO THE SYNOD FOR ELECTIONS.
- G. TO DISCUSS RECOMMENDATIONS FROM THE YOUNG PEOPLE'S WORSHIPPING LEAGUE AND MAKE RECOMMENDATIONS FOR ITS ACCEPTION OR REJECTION TO THE SYNOD.

19.7 **YOUNG PEOPLE'S CONVENTION.**

1. THE MAIN PURPOSE SHALL BE THE YOUNG PEOPLE'S CONVENTIONS BUT THE MEN'S SECTION AND WOMEN'S PRAYERS SHALL BE BOUND TO ATTEND AND REPORT THE DUTIES AND OBLIGATIONS AS Laid DOWN IN SEE I AND II OF THIS REGULATIONS ALL MEMBERS OF THE 7 R.W.C. AS Laid DOWN IN SECTION 14.1 SHALL BE BOUND TO ATTEND THE CONVENTION.

20.

**THE GOVERNING BODIES (COUNCIL)**

**20.1 EXECUTIVE CHURCH COUNCIL**

THE EXECUTIVE CHURCH COUNCIL SHALL BE COMPOSE OF THE MODERATORS, GENERAL SECRETARY, TREASURER AND THREE MINISTERS NOMINATED BY THEM. THE SENIOR MODERATOR SHALL BE THE CHAIRMAN.

**DUTIES.**

- A. TO ADVISE THE LEADERSHIP IN GENERAL MATTERS AFFECTING THE GENERAL INTEREST OF THE CHURCH. ✓
- B. TO PREPARE THE FINANCIAL REPORT AND MAKE RECOMMENDATIONS TO THE SYNOD. ✓
- C. TO PREPARE THE AGENDA FOR THE SYNOD AND PLACE IT BEFORE THE LEADERSHIP FOR APPROVAL. ✓
- D. TO KEEP A CLEAR RECORD OF THE MINUTES AND PLACE THEM BEFORE THE LEADERSHIP FOR COMMENT. ✓
- E. TO DISCUSS ALL MATTERS PLACED TO THEM BY LEADERSHIP FOR RECONSIDERATION.
- F. TO DISCUSS ALL MATTERS PLACED TO THEM BY LEADERS FOR RECOMMENDATIONS FOR DECISIONS. ✓
- G. TO RECEIVED CORRESPONDENCE FROM THE GENERAL SECRETARY AND DISCUSS IT.

**20.2 (MEETING)**

THE EXECUTIVE CHURCH COUNCIL SHALL MEET BEFORE THE COMMENCEMENT OF A CONFERENCE AND SYNOD OR ANYTIME AND DEEMED BY THE LEADERS WHEN THEY REQUIRES ITS DECISION.

**20.3 THE SYNOD.**

THE SYNOD IS THE SUPREME GOVERNING BODY WHEN DULY CONVENED IN TERMS OF THIS CONSTITUTION. THE FININGS, DECISIONS, RULES, RESOLUTION, ORDERS AND DIRECTIONS OF THE SYNOD SHALL BE BINDING TO THE WHOLE CHURCH. DISOBEDIENCE THEREOF RENDER ANY PERSON FOR SUSPENSION AND ANY CONVICTION STIPULATED IN TERMS OF THIS CONSTITUTION.

**1. COMPOSITIONS AND CONVENING OF THE SYNOD.**

THE SYNOD SHALL COMPOSE OF ARCH-BISHOP, BISHOP, MODERATOR, MINISTER ORDAINED STEWARD ORDAINED EVANGELIST AND YOUTH REPRESENTATIVE FROM EACH REGION.

## The Appendix 3

HISTORICAL PREFACE

FOUNDER : E.J. MARUMO - FIRST MODERATOR 1908 - 1918

The founder of A.P.B.C. is Rev. Ephraim Jasone Marumo who was formerly a Minister of the Presbyterian Church of S.A. He broke away from the P.C.A. in 1904 and founded the A.P.B.C. on the 12th September 1908. He made the Church recognised to the Government. E.J. Marumo served for 10 years and died on the 13th October 1918.

SECOND MODERATOR - REV. H.J. MOKALAPA 1918 - 1953

The Annual Synod held at Kestell on the 18th December 1918 nominated and elected Rev. H.J. Mokalapa to succeed E.J. Marumo. H.J. Mokalapa served for 35 years and died on the 28th July 1953.

THIRD MODERATOR - REV. A.L. MOLEBA 1953 - 1973

The Annual Synod held at Harrismith on the 24th December 1953 nominated and elected Rev. A.L. Moleba to succeed H.J. Mokalapa. A.L. Moleba served for 20 years and died on the 6th December 1973.

FOURTH MODERATOR - REV. H.J. GABA 1973 - 1978

The Annual Synod held at Heidelberg nominated H.J. Gaba to be the acting Moderator and he was duly elected at Frankfort on the 12th April 1974 to succeed A.L. Moleba. In mid 1978 Asia Marumo was nominated to be the acting Bishop while H.J. Gaba was still the Moderator.

FIFTH LEADER AND FIRST BISHOP - M.J. MOLOI

The Inter Synod held on the 13th April 1979 at Odendaalsrust nominated and elected Rev. M.J. Moloi to be the first Bishop of the A.P.B.C. due to Conclusions of the Synod held at Heidelberg that a post of the Bishop should be created to preside over Moderators. The cause of this change is the independent homelands which must have their own Moderator and from that date the name of this organisation will be The African Presbyterian Bafolisi Church of Southern Africa

- 1. Bishop Rev. M.J. Moloi
- 2. Moderator H.J. Gaba
- 3. General Secretary C.N. Swartbooi



THE AFRICAN PRESBYTERIAN BAFOLISI CHURCH OF S.A. ESTABLISHED  
1904 : FOUNDER - E.J. MARUMO : RECOGNISED 1908

AMMENDMENT OF THE 23rd DECEMBER 1955 CONSTITUTIONAL REGULATIONS  
OF THE AFRICAN PRESBYTERIAN BAFOLISI CHURCH OF SOUTHERN AFRICA

1. NAME AND PURVIEW

- (a) The name of this organisation shall be :  
THE AFRICAN PRESBYTERIAN BAFOLISI CHURCH  
OF SOUTHERN AFRICA
- (b) It shall purely be the Non-Whites Church and shall  
operate among Non-Whites of Southern Africa.

2. AIMS AND OBJECTS (ACTS 5 : 38, 39)

- (a) To preach and teach the Word of God and to accept it  
as the Holy Scriptures.
- (b) To erect churches and other buildings for religious  
and educational purposes.
- (c) To propagate Christianity only and not at all political  
activities.
- (d) To provide Faith healing to all people by prayer and  
Laying of hands.

3. CHURCH MEMBERSHIP

- (a) Probation : The trial period shall be three (3) months  
after which the probationer shall be admitted to full  
membership
- (i) Members from other denominations being full members shall  
be recognised as full members. If they possess no prob  
afore said they shall undergo the trial period.
- (c) Admittance : All Non-White persons over 15 years of age  
who are persons of good reputation shall be entitled to  
full membership and shall be eligible to all the rights  
and privileges of holding any of the local office in the  
church to vote and be voted for.
- (d) Transfer of membership : Members of our Church who have  
moved from one circuit to the other bearing Certificate of  
Membership and recommendation from his Minister, shall be  
admitted to full membership. A Minister shall give a  
certificate of Membership and recommendation to any member  
of good standing who wishes to join any other church  
except for reasons that justify judicial proceedings  
against such member.



(e) Termination of Membership : Termination of membership may come only by:

- (i) Transfer
- (ii) Death
- (iii) Withdrawal
- (iv) Expulsion

4. PREACHERS (I TIMOTHY 3 : 1 - 13)

(a) Elders : Shall be men of good character with one wife being admitted to full membership for not less than 2 years.

Duties:

- (i) To serve as Marshalls or Ushers before and during the church services and to prepare Holy Communion table.
- (ii) To hold church service in the absence of a deacon, Evangelist or Minister.

(b) Deacons : (1)

Qualifications : A member who has served as an Elder, qualifies for the office of a Deacon.

Duties :

- (a) To serve as preachers and exhorters and to pray and lay hands upon the sick.
- (b) To collect church dues from members and hand over to the Minister on preparation - Sunday a week before Holy Communion.

(c) Circuit Evangelists :

Qualifications : A Deacon who have served for not less than 2 years qualifies for the office of Circuit Evangelist.

Duties :

- (a) To serve as preachers and exhorters to pray and lay hands upon the sick.
- (b) To take care of a ward within the jurisdiction of a Ministers Circuit where he is a member, collect church dues and to keep a record of financial income

5. UNIFORM

Elders and Deacon shall wear uniform of white, blue or red gowns.  
Circuit Evangelists, black over the white gowns.



6. THE MINISTRY (I CORINTHIANS 12 : 27, 28)

(a) Ordained Evangelists and Stewards :

Circuit Evangelists who have served for not less than 4 years, able to read and speak at least one official language, men of good character with only one wife, may be recommended by his Minister to the Bishop to be ordained by the Bishop himself or his representative.

Duties :

- (i) To serve as Marshalls and Ushers during the Conference and Synod.
- (ii) They shall administer Holy Communion, Baptismal and bury the dead.

Uniform : Black gowns and button front collar and black vestlocks.

(b) Ministers :

Qualifications :

- (i) An Ordained Steward or Evangelist who has served for not less than 4 years, qualifies for the office of Ministry if he can be appointed by the Bishop or Synod.
- (ii) Any member who thinks that he is moved by the Holy Spirit to exercise the duties of a Minister, shall apply to the Bishop for theological training but the application must be signed by his Minister and he must possess a Junior Certificate or its equivalent.
- (iii) Although theological training plays an important part in Ministry but our Ministers are Ministers by Ordination only.

(c) Ministers from other churches :

An ordained Minister from other denomination can enter the Ministry of A.P.B.C. only by applying and be admitted by the Synod. Such a Minister shall be examined and if admitted, he shall be on trial for not less than 2 years.

Duties : All duties except those who are of the Moderator and Bishop.

Uniform : Black gowns and black vestlock and collar button back.

(d) Moderators :

Qualifications :

- (i) The Bishop shall appoint among the Senior Ministers, Moderators, to assist him, advise him and act on his behalf on presiding only when instructed by him. The seniority of Ministers who qualify for this office is by :



- (a) Faithfulness
- (b) Development of their circuits
- (c) Good character. Not by long service alone.

Term of service :

Moderators shall hold office for 5 (five) years. If there can be any dissatisfaction during those years, it shall be dealt with by the Bishop. But the Bishop cannot suspend or expell the Moderator without consulting the executive Church Council. The Executive Church Council can suspend the Moderator but the Moderator can appeal to the Synod and the decision of the Synod shall be final.

Duties and powers :

- (i) To act on behalf of the Bishop and Synod, having been given a written consent by the Bishop. In the case of urgent matters he can act but must report back to the Bishop within 21 days.
- (ii) To convene a conference in his region and receive financial reports from Ministers and report the same and hand over to the Senior Officers.

7. SENIOR OFFICERS (ACFS 6 : 3 - 6)

(a) The Treasurer (General):

- (1) The Synod shall on the date of General Election, nominate (2) two names among our Ministers or (3) to be voted for the office of a Treasurer. The one who receives majority vote, will be the duly elected Treasurer.

(ii) Term of service :

The term of service for the General Treasurer shall be (5) five years after which an election will take place. In the case of any dissatisfaction during those years, it shall be dealt with by the Executive Church Council or the Bishop.

He shall keep all moneys of the church and bank it in the name of the church. He shall also draw up a clear financial statement and submit the same to the Synod.

(b) The General Secretary :

- (1) The General Secretary shall be nominated by the Synod and elected by the Synod. Two (2) names or three (3) shall be voted for and the one who receives majority votes shall be the duly elected General Secretary.



(ii) Term of service :

The term of service shall be (5) five years after which an election must be called. In the case of any dissatisfaction during those years, it shall be dealt with by the Executive Church Council or Bishop.

Duties :

- (i) To keep clear minutes of the Synod and Executive Church Council.
- (ii) To do all correspondence at the instructions of the Bishop or Synod and file all letters and all other important documents.
- (iii) To keep a clear financial record and do all withdrawals together with the General Treasurer and the Bishop.

(c) The Bishop :

Qualifications :

Three names shall be nominated by the Synod among the Moderators. It must be men of good character, able to read, write and speak at least one official language. It must be a senior Minister by duties and most faithful who has produced greater development of his circuit by church dues and other responsibilities.

Manner of election :

The Synod shall firstly nominate an Electoral Officer among our Ministers who shall call for nominations of three names and the voting shall be by secret ballots. The counting of ballots shall be done openly.

Term of service :

The term of service for the Bishop shall be (5) five years after which a general election shall be convened by the Executive Church Council in the case of vacancy through death or something, the executive shall nominate one of the Moderators to act until the general election be convened. In the case of dissatisfactions, it will be dealt with by the Inter Synod or Synod.

Duties and powers :

- (i) The Bishop is the Chief Executive Official Overseer of the church. It is his duty to carry out effectively the resolutions of the Synod and administrate all church affairs.
- (ii) He shall preside over the Executive Church Council and Synod.



- (iii) He shall manage all financial transactions together with the general Secretary and the Treasurer and to do all payments and withdrawals which he must report to the Synod.
- (iv) To represent the church in all legal actions brought by or against the church.
- (v) To ordain, appoint and transfer all Ministers and Moderators.
- \* (vi) To take care of all movable and immovable church properties.
- (vii) Printing of documents.

#### 8. RELIGIOUS

- (a) Holy Ghost (Matt. 10 : 1; Luke 10 : 9)  
Bafolisi Church has a great shake caused by Holy Ghost whilst resuming the work of praying to the sick. Worshippers wear white, blue or red gowns. Men and women stand in a circular form so that the sick may kneel in the middle. Suddenly when singing begins, the Holy Ghost pours into them causing to speak with diverse languages and singing with hands and feet.
- (b) Holy Communion (Corinthians 15 : 17 - 34)  
Holy Communion must be administered whilst the Congregation is standing on their feet at every quarter in each parish.
- (c) Baptism (Mark 16 : 16)  
The baptism ordinance is based upon these (3) one principle point, sprinkling (Mark 16 : 16). A baptismal certificate must be awarded.
- (d) Ordination (II Timothy 1 : 6)  
Ministers are Ministers by Ordination. Ordination will be done by the Bishop or his representative in the Synod.

#### 9. CHURCH BUILDINGS

All church buildings of A.P.E.C. will remain being be the property of the church. All applications shall be done by the Bishop or Pastor in charge under his instruction. The Bishop and Synod will only be responsible for the payment of 90% and the 10% is for the congregation. The site permit shall be paid by the congregation. If they can't afford, the Bishop will do the payment.



Auxilliries :

The Pastor shall be the official head of all auxilliries and nothing shall be considered legal without his consent.

Young People Worshipping League :

- (a) The General Convention of Young People Worshipping League shall be held once a year and shall have their own Chairman, Secretary and Treasurer. The sole aim of the convention is to encourage our young generation to respect our discipline and Order of Worship to collect dues from the members and hand over to the Synod Office. This organisation is responsible for Sunday School and Church Choir.

Women's Prayer (Spes Bona)

The Ministers wife shall be the Circuit Supervisor and official board and shall nominate a Chair Lady and Secretary. The Chair Lady shall collect all moneys.

Church dues falling under this organisation and handover to the Minister's wife. The Secretary shall keep a clear record. The Minister's wife shall report the required dues to the General Convention under the Bishop or Moderators wife as Chair Lady. The Uniform shall be green dress and jacket, white hat and bib.

Duties and aims of all auxilliries :

- (a) To raise funds for the local church e.g. banners, ways and rents.  
(b) To invite the people to join the church.  
(c) To make their own administration laws.

10. ORGANIZATIONS

(a) Circuit Official Board :

All Deacons, Elders and Evangelists shall be members of the Official Board. The Chairman/Treasurer/Secretary, shall be nominated by the Official Board. Seven (7) members including the Chairman, Treasurer and Secretary shall be nominated by the Official Board to serve as a Committee on urgent matters.

Duties :

- (i) To provide the Ministers support, gifts and anything that will facilitate the spiritual administration of his duties.  
(ii) To take care of the church building and other church properties.  
(iii) To create method of fund raising.  
(iv) To advice the Minister on how development can be reached.  
(v) To settle all judicial matter and make recommendations to the Minister.



(b) Examining Committee :

The Synod shall nominate 7 Ministers to serve as Examining Committee. The Chairman shall be the elected Moderator. The recording Secretary shall be elected by the Synod.

Duties :

- (i) To receive correspondence from the General Secretary for examination before the conference or Synod and make recommendations.
- (ii) To advise the Moderator and the Executive Church Council on any matter.
- (iii) To deal with judicial matters arising from the conferences.

Term of service :

The term of service for the Examining Committee shall be (5) five years. In the case of any dissatisfaction, a re-election shall be convened.

(c) Executive Church Council :

The Executive Church Council shall be composed of (4) four. Moderator nominated by the Bishop. The General Secretary and the Treasurer elected under Regulation No. 7. The Bishop shall be the Chairman. More than half will form a quorum.

Duties :

- (i) To assist the Bishop in carrying out his duties and advice him.
- (ii) To prepare the agenda for the Synod.
- (iii) To make recommendations for orders, rules and resolutions.
- (iv) To be responsible for all income and expenditure during the year.
- (v) To prepare for general elections and inform and call all Synod members.

Term of service for the Executive Church Council shall be (5) five years. In the case of dissatisfaction a re-election will be convened.

(d) Conferences :

The Moderator under instructions of the Bishop, shall convene a provincial conference which is composed of Ministers, Ordinal, Evangelist, Circuit Evangelist, Deacons and Elders. All members shall register by producing their appointment certificates to the Secretary at the opening of discussions and failing which they shall have no right or privilege of platform or vote and he will be guilty thereof.

Duties of the conference :

- (i) To keep full minutes of the proceedings of the conference and the Examining Committee.
- (ii) To present a financial statement for the past conference and forward to the Synod.



- (iii) To deal with judicial matters arising from the Official Board.
- (iv) To make recommendation for orders, regulations and resolutions, and place before the Synod for decisions.

(e) The Synod :

The Synod is the supreme governing body of the church when duly convened in terms of this constitution. Its findings, decisions, rules, resolution, orders and directions shall be final and binding to the whole church. Disobedience to the orders and decisions of the Synod renders a person convicted of the disobedience liable to the discipline of the church. The Synod shall be composed of the Bishop, all Moderators, all Ministers and all Ordained Evangelists and Stewards.

Duties and powers :

- (i) To discuss and administer and make orders, regulations, directions and all matters which shall be binding on the whole church.
  - (ii) To accept and discuss all appeal general and locally.
  - (iii) To nominate and elect the Bishop and Officers.
  - (iv) To fix the Bishops remunerations and allowances.
- The Synod shall meet once a year.

1. MISCONDUCT

(a) Behaviour :

It shall be considered as a misconduct if any of our members can behave as follows :

- (i) Publicly committing adultery; or drunkenness and insulting language.
- (ii) Being found guilty by the court of Law for committing crime and being sentenced to over six months imprisonment.

(b) Unfaithfulness :

Being unfaithful shall also be a misconduct:

- (i) To use church dues on one's own affairs.
- (ii) Printing documents of the church without the consent of the seniors.

(c) Disobedience :

Disobedience to the following shall be a misconduct

- (i) Refusal by any member e.g. Moderators, Ministers, Ordained Evangelists and stewards for transfer to any parish.
- (ii) Failing to carry instructions for his or her seniors and failing to comply by our Constitutional Regulations and our faith of discipline.

12. SENTENCES

(a) Suspension

Any member who has been found guilty by the Board in charge of his or her case can be suspended for a period that shall be determined by the said Board or Committee, but any case shall

## The Appendix 4

**THE CONSTITUTION OF  
AFRICAN PRESBYTERIAN  
BAFOLISI CHURCH  
OF  
SOUTHERN AFRICA ALSO KNOWN AS OF  
SOUTH AFRICA**

**BUILDING A VIBRANT AND DYNAMIC AFRICAN  
CHURCH**

**07 SEPTEMBER 2013**

**DRAFT**

**ADOPTION:**



## **THE AFRICAN PRESBYTERIAN BAFOLISI CHURCH OF SOUTHERN AFRICA**

### **1 PREAMBLE**

This church accepts the Scripture of the Old and new Testaments as inspired by the Holy Spirit to be the uniquely authoritative witness to Jesus Christ and as such the Word of God and the final rule of faith and life.

The AFRICAN PRESBYTERAN BAFOLISI CHURCH OF SOUTHERN AFRICA (APBC) affirms its right to formulate, adopt, modify and interpret its doctrinal statements, always subject to the Word of God, under the promised guidance of the Holy Spirit and in accord with the fundamental doctrine of the Christian faith. Of this accord this Church itself shall be the sole judge.

The Church recognises liberty of opinion on all points of doctrine that are not fundamental to the faith. But it retains the right in every case to judge what falls within this description and to guard against any abuse of this liberty that may injure its witness, unity or peace

### **CHAPTER 1**

#### **1.1 THE NAME**

The name of the church shall be the African Presbyterian Bafolisi Church of Southern Africa (APBC) and registered as APBC of Southern Africa also known as APBC of SA. It comprises all presbyteries which have been duly constituted in accordance with the manual guiding procedures of the church within the Republic of South Africa.

A body having perpetual succession and having power:

- To own both immovable and movable property
- To sue and to be sued in its own name.

#### **1.2 THE LOGO**

The church logo is round in shape, circled with green in colour. The name of the church is encircled at the top part within the badge. Inside the cycle is a picture of minister praying for a kneeling person next to the cross. The name of the founder Rt. Rev. E.J Marumo and the date of establishment 12<sup>th</sup> September 1908 are written inside the badge.



## CHAPTER 2

### 2.1 CHURCH RELIGION

**HOLY GHOST**- Bafolisi Church has a great shake caused by Holy Ghost, whilst resuming the work of praying for the sick. The anointed People of Prayer are elected in terms of the law or principles guiding the church, to wear uniform with either of the following colours; white, blue and red. The sick people will kneel in the middle at a common place. The anointed prayers while standing will then form a circle or semi-circle. While singing and praying, the Holy Ghost pours into them. Read: Luke 10: 19, Matt 10: 1 and Acts 2:2

Elders or Leaders shall be men or women, first tried, good character and in good standing. Man must marry one wife, be of good behaviour and fit to teach the word of God. (See Bafolisi Holy Page of 1913)

We believe in one God, the Father, the Almighty, maker of heaven and earth, of all that is, seen and unseen. We believe in one Lord, Jesus Christ, the only Son of God, eternally begotten of the Father, God from God, light from light, true God from true God, begotten, not made, of one being with the Father; through Him all things were made. For us and for our salvation He came down from heaven, was incarnate of the Holy Spirit and the Virgin Mary, and became truly human. For our sake He was crucified under Pontius Pilate; He suffered death and was buried on the third day He rose again in accordance with the Scriptures; He ascended into heaven and is seated at the right hand of the Father. He will come again in glory to judge the living and the dead, and His kingdom will have no end.

We believe in the Holy Spirit, the Lord, the giver of life, who proceeds from the Father and the Son, who with the Father and the Son is worshipped and glorified, who has spoken through the Prophets. We believe in one holy, catholic and apostolic Church. We acknowledge one baptism for the forgiveness of sins. We look for the resurrection of the dead, and the life of the world to come. Amen.

### 2.2 Character of the Church and Prophetic calling

- The Church of Jesus Christ of which the African Presbyterian Bafolisi Church of Southern Africa (APBC) is of significance in its calling upon the exercise of its prophetic voice in society.
- The leadership of APBC will seek to fulfil its prophetic calling of the church, by taking its strong and a very public stance on God's will on issues like:
  - I. Crime
  - II. Corruption
  - III. Aids pandemic
  - IV. Abuse of woman and children
- The church shall in its composition and function be democratic; non-racial; non sexist and against any racial discrimination, tribalism and will support the emancipation of woman and ensure that woman are represented in the structures of the church. The principle of freedom of speech and circulation of ideas will operate in the church.



## **CHAPTER 3**

### **3.1 CHURCH MEMBERSHIP**

- The membership card and the confirmation certificate
- The church shall admit members to membership who shall obtain the membership confirmation certificate and the membership card. The said shall be subjected to 3 month probationary period.

### **3.2 PROBATION**

- The probationary period of 3 months, shall be applicable to new member who are joining the church. Once a probationary period has been completed the probationer shall be admitted to full membership.
- Ordained, Evangelist, Steward Ministries, Moderators, Bishops, from other denomination who wish to be members shall be subjected to probationary period. Thereafter their positions to be considered by the Presiding Bishop

### **3.3 Admittance**

- All persons over 18 years who are persons of good reputations shall be entitled to full membership,
- After completion of their probationary period and shall be eligible to all rights and privileges of holding any local office in the church to vote and be voted for.
- All children who are born in this church shall not be subjected to three moth probationary period on attainment of 18years of age.

### **3.4 Transfer of members**

(a). A member who relocate from one circuit to the other shall be provided with a transfer certificate from his /her Minister.

(b). A member who wishes to join any other shall obtain a certificate of termination of membership from his minister.

### **3.5 Termination of membership**

3.5.1 A member ceases to be a member of this church if he or she is:

- i. Deceased
- ii. Asked for termination of membership through judicial proceedings.
- iii. Expelled
- iv. Failed to contribute or pay any church dues for the period of 2 years.
- v. Bringing the church into continuous disrepute.
- vi. Resigning or leaving on his\her own accord.

3.5.2 A minister and Kirk session shall not expel a member without following necessary disciplinary procedures as tabulated in the code of conduct.



## **CHAPTER 4**

### **4.1 Church Attire**

The church attire shall consist of the following colours Red, Green, White, Black and Blue. The design shall differ according to positions.

## **CHAPTER 5**

### **5.1 The Church Ceremony**

The Sunday service shall be every Sunday at 11h00 and shall remain in session for a minimum of an hour.

### **5.2 The Woman's Prayer (Spes bona)**

- The woman's prayer shall be held every Thursday.
- Woman who is in the Spes bona Meeting shall also be licensed to preach, for they have also the same people to be preached to in the African Presbyterian Bafolisi Church. They shall have their own constitution which must be in line with church constitution.
- The Women Spes bona Meetings shall be quarterly examined and their licences shall be annually renewed by the Overseer.

### **5.3 Sunday school**

- The Sunday school shall resume at 10h00 o'clock until 11 o'clock every Sunday.
- Shall be conducted in accordance with the guiding manual of children ministry.

### **5.4 Baptism**

#### **5.4.1 The baptism Ordinance is based upon the three principal points:**

- Immersion,
- Pouring and
- Sprinkling as adopted in 1915 in accordance to our APBC book of service

### **5.5 The Holy Communion (Lord Supper)**

- i. The Lord supper shall be served quarterly in accordance to our APBC book of service

## **CHAPTER 6**

### **6.1 Composition of Circuit Leaders**

#### **6.1.1 DEACONS**

##### **a. Qualifications**

A member can be appointed to the office of a deacon if he/she:

- i. Has been admitted to full membership
- ii. Appointed to such office through the cared channels of our consultation.



- The ordained evangelist to be ordained as a minister may be recommended by the Moderators to the Presiding Bishop who will refer the recommendation to the assessment committee.
- The assessment committee shall report back to the Presiding Bishop about the outcome and the Presiding Bishop shall do the final decision.

**a. Qualifications of the Ministers**

- If the ordained evangelist wishes to become ordained minister he must be schooled and theological training is highly encouraged.

**b. Duties of the Ministers**

- I Be held responsible for the smooth running of the church together with the kirk session.
- i. Bury the dead, administer the Holy Communion, visits the sick, Baptist and spread Christianity.
- ii. Attend conference, synod and all other legal gathering convened by his seniors
- iii. Be held accountable for the financial matters concerning his kirk session
- iv. Be entitle to allowance determine by the kirk session
- v. To maintain good relationship between himself and the kirk session
- vi. To attend presbytery
- vii. To appoint elders, circuit evangelist and the Deacons
- viii. To delegate religious task to others++

**c. Uniform of the Ministers**

- Ministers shall wear black gown of our design, a black vest lock and a collar button back at all Sundays when performing his religion duties when appropriate.

**6.1.5 The Moderators**

**a. Qualification**

- i. Any ordained minister can be appointed by the Presiding Bishop if he:  
Has serve satisfactory as a minister for the period of not less than four years or competent and suitably qualified.
- vi. The Presiding Bishop shall appoint the moderators who must be minister and has served as such for a period not less than four years unless in exceptional circumstances.
- vii. The General Secretary and Treasurer shall be the Moderators

**b. Duties of Moderator**

- i. To be responsible for monitoring the smooth running of the region he has been appointed to.
- ii. To make a regular visit to this region and report all matters to the Bishop or Presiding Bishop.
- iii. To hear all grievances from session, within his region and provide guidance.
- iv. To make recommendation concerning the transfer of ministers to the Presiding-bishop
- v. To act on behalf of Bishop when instructed or requested by him on religious and legal matters.
- vi. To chair the Presbyteries.



- vii. To maintain discipline and good relationship.
- viii. To perform tasks allocated to him by the Presiding Bishop to the best of his ability.

**c. Uniform of the Moderator**

- Moderators shall wear black gown of our design, a black vest lock and a collar button back, revisable stole with colour green and cream white at all Sundays and when performing his religious duties when appropriate.

**d. Term of Office**

- i. The term of the Moderator shall be five (5) years running concurrently with the term of the Presiding Bishop.
- ii. He is deposed
- iii. Removed due to ill health which renders him incapable of performing his duties
- iv. Resigned
- v. If relieved from his duties by the Presiding Bishop for poor performance and ill discipline (insubordination)

**6.1.6 GENERAL SECRETARY**

**a. Qualification**

- Any Minister in possession of a Grade 12 certificate.
- Good communication and secretariat skills.

**b. Duties**

- i. Keep a clean record of minutes of the synod and executive church council.
- ii. To do all correspondence of the church and to open a file of all important documents
- iii. To keep a clean financial record and to do withdrawals together with the treasurer and presiding bishop.
- iv. To advise the Presiding-Bishop in matters affecting the general interest of the church
- v. To attend youth gathering on request and give advice
- vi. To have cases to all documents, books or anything that belong to the church in all circuit
- vii. To receive correspondence open it and discuss it with the leader
- viii. Also serve as recording secretary for the synod and church council.

**c. Term of office**

- i. Term of office shall be five years.
- ii. In case of any irregularities or poor performance, during his/her tenure of office shall be dealt with by executive council or the Presiding Bishop



#### **6.1.7 DEPUTY SECRETARY**

##### **a. Qualification**

- Any Minister in possession of a Grade 12 certificate.
- Good communication and secretariat skills

##### **b. Duties**

- i. To assist the general secretary to perform duties of general secretary when he is not available.
  - ii. To keep clean records of minutes of the conference and the assessment committee.
- c. Term of office
- iii. Term of office shall be five years.
  - iv. In case of any irregularities or poor performance, during his/her tenure of office shall be dealt with by executive council or the Presiding Bishop

#### **6.1.8 TREASURER**

##### **a. Qualification**

- i. Shall be any Minister who has served for not less than four (4) years.
- ii. Shall be honest, reliable and be accountable

##### **b. Duties**

- i. Shall keep and record all the monies of the church and deposited into the church banks account within three days.
- ii. Draw up a clear financial statement and submit the same to the Synod
- iii. He shall be one of the signatories with the general secretary and the Presiding Bishop
- iv. Shall be responsible for audit purposes

##### **c. Term of office**

- v. Term of office shall be five years.
- vi. In case of any irregularities or poor performance, during his/her tenure of office shall be dealt with by executive council or the Presiding Bishop



#### **6.1.9 BISHOP**

##### **a. Qualifications**

- i. He must possess educational qualifications acceptable to our church.
- ii. Any minister who has served as the Minister more than ten years.
- iii. Any one of the church top five or as a moderator may be elected by the synod to the office of the Bishop.
- iv. The Presiding Bishop shall not be eligible to contest the position of the Bishop.

##### **b. Duties**

- i. To assist and advise presiding bishop in performing his legal and religious duties
- ii. To act on behalf of the church if the presiding bishop is not available in all matters
- iii. To act on behalf of the presiding bishop when requested or instructed by him.
- iv. To visit all Circuits and Presbyteries when invited or uninvited to give guidance.
- v. To give feedback on any observation after such visit to the Presiding Bishop.

##### **c. The term of office for the Bishop**

- i. Shall be 5 years unless he is re-elected to serve another term.
- ii. When removed from the office through motion of no confidence by the majority of the synod.
- iii. He is deceased.
- iv. Removed due to ill health which renders him to be incapable of performing his duties.
- v. Resigns

#### **6.1.10 PRESIDING BISHOP**

##### **a. Qualifications**

- A bishop or moderator who has served as a minister for the period of not less than ten years can be elected to the office of the presiding bishop.
- His educational qualifications are acceptable to the church.

##### **b. Duties**

The duties for Presiding Bishop shall be:

- i. The Presiding bishop is the accounting officer of the church
- ii. To carry effectively all decisions, resolutions of the synod and administrate all church affairs.
- iii. To preside over the synod and the conference.
- iv. To manage all financial transaction together with the secretary general and the treasurer.
- v. To represent the church in all legal actions brought by or against the church
- vi. To appoint and transfer all ministers and moderators in consultation with Bishop.



## **CHAPTER 8**

### **8.1 BENEFITS AND ALLOWANCES**

#### **8.1.1 MINISTER**

- i. The minister(s) allowances shall be determined by the Kirk session.

#### **8.1.2 MARRIAGE OFFICERS**

- i. The marriage officer's allowances shall be determined by the synod.
- ii. The marriage Officer shall solemnize marriages in accordance with our church service book.
- iii. Shall conduct counselling before and after marriages.
- iv. Shall be a Marriage Counsellor and provide counselling wherever required to do so by the church.

#### **8.1.3 MODERATOR.**

- i. Financial allowances of the moderator will be determined by the Presbytery.

#### **8.1.4 FINANCIAL ALLOWANCES FOR THE BISHOP, PRESIDING –BISHOP AND GENERAL SECRETARY**

- i. The financial allowances of the Bishop, presiding Bishop and the general secretary shall be determined by the church council and approved by the synod.
- ii. An ad-hoc committee to determine the finance allowances for the Bishop, the Presiding Bishop and the General Secretary shall be formed by the synod according to the Finance Policy.

## **CHAPTER 9**

### **Administrative bodies of the church (Circuit, Commission and/or Regional Structures)**

#### **9.1 THE CONGREGATION**

- The congregation is a fellowship of Christian believers written in a church body to serve the purpose and function of the Church.
- It's a constituent member of the presbytery of the church within whose boundaries it falls, and exercises the rights and carries out the responsibilities of a member of the presbytery, being under its care and discipline.
- A new congregation is constituted as a unit of the church when it reaches a membership of at least 10 and is formally recognised by the presbytery within those boundaries it falls.



## **9.2 OBLIGATIONS OF A CONGREGATION**

The congregation has the responsibility

- i. To contribute towards the funds that the Church and its Council need to fulfil their functions, and
- ii. To accept such assessments as the higher Councils of the Church may, from time to time, duly make upon it.
- iii. The chair shall be the Minister
- iv. To receive report from the Kirk Session for consideration to accept or reject.
- v. The congregation shall meet quarterly

## **9.3 OVERSIGHT OF A CONGREGATION**

- i. The session shall play an oversight role over the congregation.
- ii. Under the authority of the Session, the financial affairs of the congregation are administered.
- iii. The moderator in consultation with the circuit minister shall convene congregational meeting for the purpose of electing members of a session.
- iv. The regional electoral officer shall conduct the elections

## **9.4 THE COMPOSITION OF A SESSION.**

The session shall be composed of the:

- i. Chairperson shall be appointed by the Minister in charge.
- ii. Deputy Chairperson
- iii. Secretary
- iv. Deputy Secretary
- v. Treasurer
  
- vi. The kirk session will consist of the minimum of 8 and the maximum of 15 inclusive of at least two co-opted members elected by the KIRK session.

## **9.5 POWERS AND DUTIES**

- i. The committee shall run affairs of the church on behalf of the congregation.
- ii. The committee shall meet at least once per month and shall keep a clear record of their minutes.
- iii. To appoint a disciplinary committee among outside their membership.
- iv. The session shall account to the general congregation convened quarterly which shall have power to overrule or adopt its (session) decision(s).
- v. Maintenance of church building and payment of rates and taxes.



#### **9.6 QUALIFICATIONS**

- i. Every member of the church is eligible to be elected.
- ii. People who will be elected to the top 5 portfolio should have service of at least 3 years.
- iii. Term of office for the session shall be 3 years.

#### **9.7 DISSOLUTION**

- i. The moderator depending on the performance he may dissolve the session. And the interim structure shall be formed which shall exist for a period of not more than six months.

### **CHAPTER 10**

- ii. The church higher institutions

#### **10.1 PRESBYTERY**

- iii. Group of sessions not less than 5 and not more than 9 which falls in the same geographical area under the leadership of the moderator. It is entitle to a quarterly contribution determine by the Presbytery. Meetings will be held quarterly.

#### **10.2 COMPOSITION**

- i. A minister
- ii. Evangelist
- iii. Elders
- iv. Madodana chairperson
- v. Madodana secretary
- vi. Session Chairperson
- vii. Session Secretary

Kirk.  
Kirk.

#### **10.3 FUNCTIONS OF THE PRESBYTERY**

- i. To be responsible for the smooth running of the region it has been appointed to operate.
- ii. To hear all appeal from the session within its regions and make a decision.
- iii. To make recommendation concerning the transfer of the ministers to the Presiding Bishop.
- iv. To raised funds for the wellbeing of the region and to do the nomination for top five positions nationally.
- v. To determine the remuneration of the Moderator
- vi. It must elect its own top four and the Moderator its chair
- vii. The Presbytery if dissatisfied with Moderator, shall recommend his removal to the Presiding Bishop for his consideration.
- viii. The elections shall be conducted by the regional electoral officer or his\her appointee in consultation with the National Electoral Officer.
- ix. Consider & discuss reports from the sessions and provide guidance.
- x. Results of such elections shall be recorded, stamped and signed by the Electoral Officer, Presiding Bishop and Bishop to make them valid.



## **CHAPTER 11**

### **11.1 THE CONFERENCE**

- The general secretary when instructed by the presiding Bishop shall convene in writing all invitations to the conferences. The letter of invitation shall be directed to the minister in charge at least a month prior to the date of commencement of the said conference.

### **11.2 Easter conference**

- i. The main purpose of this conference shall be the women's prayer convention.
- ii. The men and youth sections shall also be bound to attend in order to perform the duties and functions as laid down

### **11.3 Women's conference**

- i. All members of the women's prayer who qualifies in terms of the law shall attend the women's conference. The chairlady shall be the lady Moderator.

### **11.4 DUTIES AND FUNCTIONS**

- i. To raise funds by acceptable ways and means.
- ii. To elects the recording secretary and her assistant.
- iii. To make recommendations to the Synod
- iv. To accept all church dues within their jurisdiction, report and handover to the general secretary and treasurer.
- v. To accept church ladies inspectorate as nominated by the lady Presiding Bishop in consultation with the lady Bishop.
- vi. To issue membership certificate among its members
- vii. Reprimand and forward disobedient members to the judicial committee
- viii. To organise the woman convention.

### **11.5 MEN'S SECTION IN CONFERENCES**

- ii. All office bearers and members of the ministry senior officials and leadership are bound to attend the conference. The chairperson shall be the Senior Moderator if not in attendance the next one in line should preside.

### **11.6 DUTIES**

- i. To present a financial statement of the Young Men Worshipping League and make recommendations to the Synod.
- ii. To make recommendation for orders, resolutions and regulations to the synod.
- iii. To make recommendations from the young people's worshipping league and make recommendations for its acceptance or rejection to the synod.
- iv. To plan Youth activities and programs throughout the whole church in consultation with circuit chairman and the ministers



#### **11.7 YOUNG PEOPLE'S CONFERENCE**

- i. The young people shall attend the conference in order to perform their duties and obligations.

#### **11.8 DUTIES**

- i. To raise funds by acceptable ways and means.
- ii. To elect the central music committee for the administration of music and improving the standard of music.
- iii. To recommend the code of conduct
- iv. To accept all church dues within their jurisdiction, report and handover to the general secretary and treasurer.
- v. To elect one representative from each region to represent the youth in the synod.
- vi. To issue membership certificate among its members.

#### **11.9 THE SYNOD**

- ii. The synod is the supreme governing body when duly convened in terms of the constitution.
- iii. The findings, decisions, rules, resolution, orders and directions of the synod shall be binding to the whole church.
- iv. Disobedience thereof renders any person for suspension and any conviction stipulated in terms of this constitution.
- v. The presiding Bishop shall chair the synod meetings.

#### **11.10 Compositions and convening of the synod**

**11.10.1** The synod shall comprise of the following:

- i. Presiding Bishop,
- ii. Bishop,
- iii. Moderators,
- iv. Ministers , Ordained Stewards/Evangelists
- v. Four women from each Presbytery , of whom should be Evangelist
- vi. Four Lady Ministers in the National Committee,
- vii. One lady Moderator delegated by the Women's National Executive Committee
- viii. Two youth representative from national committee,
- ix. National chairperson and Secretary of Madodana.
- x. Two trustees

#### **11.11 Duties (function and obligations)**

- i. To accept or reject recommendations by majority vote and give orders and directions
- ii. To adopt and amend the constitution
- iii. To accept and discuss and take decisions on all appeals generally and locally
- iv. To discuss any motion of non-confidence and take a decision.
- v. To accept the nominations and elect the leaders and senior officers if deemed necessary
- vi. To settle and take a decision on any difference between the Presbyteries and Kirk Sessions and leadership



vii. To approve or disapprove the financial statements (annually) and fix allowance of the Presiding Bishop, Bishop and General Secretary

viii. To elect the electoral officer for general elections and a date for general elections

**11.12 The inter synod**

- Should it be necessary for the Presiding Bishop to have a decision of the synod in any urgent matters he is herein to authorised to instruct the general secretary to convene a synod in two calendar weeks in writing matters to be dealt with shall be those in the agenda and all decisions taken in such a synod shall be as valid as if taken in annual Synod.

**11.13 CHURCH COUNCIL:**

The church council consists of:

- i. Bishop - Chairperson.
- ii. Moderators
- iii. General secretary
- iv. Deputy secretary
- v. Treasurer
- vi. Any of the senior Ministers not exceeding five

NB: They report directly to the Arc/ Presiding Bishop

**11.14 DUTIES**

- i. Received and discuss church financial statements
- ii. To review the decisions of the sessions and Presbytery subject to appeal
- iii. To receive the reports from the leaders and debate them.
- iv. Advise the leadership with general matters affecting the interest of the church
- v. To prepare the financial reports and make recommendation to the synod
- vi. To prepare the agenda for the Synod and tabled it before the leadership for discussion
- vii. To discuss all matters tabled to them by leadership for review
- viii. To receive correspondents from the general secretary and discuss them
- ix. Review appeals from committees

**11.15 Term of office:**

- i. Term of office shall be five years.

**11.16. The meetings:**

- i. The council shall meet twice a year and before the synod and /or may convene whenever it deems necessary
- ii. All Structures of the church shall run their meetings in accordance with the procedures as laid down herein.



**11.16.1 Attendance register**

- i. All members present at a meeting shall identify themselves by producing to the chairperson the appointment of membership certificates that shall examine the said documents and instruct the secretary to endorse their names on the attendance register.
- ii. If for any reason accountable to the chairperson a member is unable to produce his or her appointment of membership certificate his or her senior shall confirm in writing that the said person is entitled to attend such meeting.

**11.16.2 Quorum**

- i. A quorum shall be composed of fifty per cent plus one entitling members to participate at a meeting.

**11.16.4 Unopposed and irregular motion**

- i. A chairman is entitled to put forward any unopposed motion to a meeting that falls within his duties powers and functions as an office bearer; and he may disallow any motion or proposal which in his or her opinion would lead to the discussion of a matter already contained in the agenda or which in his opinion has no bearing on the church or in respect of which the meeting in his opinion has no jurisdiction and he or she shall disallow any motion or proposal which if agreed to would be contrary to the provision hereof the church regulation or any law.

**11.16.5 Matter to come by way of proposal**

- i. No matter shall be deemed to have been put to the meeting for a decision unless a proposal on such matter has been made and duly seconded

**11.16.6 Procedure during the meeting**

- i. All meetings of organisation shall be smoothly resumed in accordance with the following sub-regulations.

**11.16.7 Roles and responsibilities of Chairperson**

- i. Convene the meeting
- ii. Facilitate the meeting
- iii. Maintain order in the meeting whose decision on any point of order shall not be open to appeal and shall not be reversed by the meeting.
- iv. Call the attention of the member who is acting in an unbecoming manner to order or if member persists to misbehave the chairperson has the authority to recuse him/her from the meeting.
- v. The Chairperson shall always promote the good spirit of the Church in an objective manner.



**11.16.8 A member shall**

- i. Stand while speaking and shall address the chairperson and shall not address or call any member by his or name other than his or her title and then calling the name.
- ii. Stand when the chairperson enter the meeting and shall not pass between the chairs of a speaking member, read newspapers or books or discuss any matters not regarding the meeting and shall pause in the centre and bow to the chair when leaving and entering the meeting.
- iii. Not use offensive language of insulting language or personal change in reference to any member or personal conduct saves on a motion lodged for such purpose.

**11.16.9 Member documents of Records (Confidentiality)**

- i. Any member publishing or disclosing or causing to be published or disclosed any document, record or decision of a meeting that has meant to be confidential or to be maintained as a secret shall be subject to suspension in accordance with the judicial proceeding of the church regulation.
- ii. Documents or records of the church shall not be shared or divulged with third party without any prior consent.

**11.16.10 In the event of great disorder**

- i. In the event of great disorder arising during or before the meeting the chairperson may adjourn or suspend the meeting for reasonable period as he may deem fit

**11.16.11 Member to look after interest of the church (Fiduciary Duty)**

- i. In performing any duties of the church each member shall look after the interest of the church rather than personal interest.

**CHAPTER 12**

**12 Procedure of giving notice of meetings in Kirk Sessions**

- i. Written notice shall be lodged with the secretary at least 7 days prior to a date scheduled for such a meeting.

**CHAPTER 13**

**13.1 The rights and powers of the church**

The church shall have perpetual succession, capable of suing and being sued in its own name, and of performing such act as deemed necessary, or incidental to the achievements of its objectives and the exercise of its powers or the performance of its functions and duties under this constitution.

- i. The right to acquire immovable property
- ii. The right to sue and be sued on its name
- iii. The right to borrow
- iv. The right to receive



- v. The right to donate
- vi. The right to inherit
- vii. The right to repair
- viii. The right to fundraise
- ix. The right to administer Finance (See financial Policy)
- x. The right to organise its Programmes
- xi. The right to alienate property
- xii. The right to discipline its members (see code of conduct) etc.

## CHAPTER 14

### **14.1 General elections:**

The church council shall appoint national electoral officer and regional electoral officers from ordinary members of the church with no interest of higher position who are familiar with electoral process to run/ conduct general elections.

#### Electoral officer

- i. The electoral officer will attend the synod/inter synod to obtain instruction on the date of elections.
- ii. Have access to the church records and documents for the purpose of preparing a voters list and prepare a vote list of members who qualify to participate in that particular election.
- iii. Appoint as many members as he may deem necessary to serve as his assistant.

### **14.2 Nominations**

Nominations will be done at Presbytery level.

Each Presbytery will nominate one candidate for each top five positions which are:

- i. The Presiding bishop
- ii. The Bishop
- iii. General Secretary
- iv. Assistant general secretary
- v. The treasurer general

The Regional Electoral Officer on the instructions of the National Electoral Officer shall in consultation with Moderators and General Secretary compile a list of potential voters in that particular Presbytery. After the regional electoral officer has satisfied himself/herself of the correctness of the list he/she shall compile a voter's roll. The Moderator and regional secretary cannot deny Regional Electoral Officer's right to access the church documents and records.

With a directive of the National Electoral Officer the Regional Electoral Officer shall convene a meeting of Presbytery in consultation with the Moderator for the purpose of calling the nominations.



### **14.3 Voters list**

Particulars specified below shall reflect on the voters list:

- i. Name and surname
- ii. Residence
- iii. Title
- iv. Identity number

A voters list prepared by an electoral officer shall be available for inspection by all members at a conspicuous place to be published by the electoral officer at least seven days prior the elections.

Any time during the specified period the electoral officer may add to such list names of voter compared to the records of the church.

### **14.4 Voting for candidates:**

The same guideline used by national shall be used by Presbyteries.

After the voting process has been completed the regional electoral officer shall send the voting result within seven days.

### **14.5 Ballot paper (secret)**

Immediately after the expiring of the nomination date, the electoral officer shall be reflected on the ballot paper and the names of the candidates shall also be reflected on the ballot papers.

### **14.6 Manner of voting**

**14.6.1 The voting in the election shall be by secret ballot papers and shall be as follows:**

- i. The person wishing to vote shall apply to an electoral officer or his/her assistant for a ballot paper. All members must identify themselves by producing membership certificates and if for any reason he/she is unable to produce the said document the electoral officer may make enquiry and if satisfied he/she shall issue such person with ballot paper.
- ii. The electoral officer shall draw a line through the particular of such voter on the voters list as proof of the issue of ballot paper.
- iii. When the voter concerned has received the said ballot paper he/she shall take it to the polling booth provided such purpose and signify the candidates for whom he wishes to vote secretly by placing a cross in the square opposite the name of such candidates on such a ballot paper.
- iv. There upon he/she shall fold the said ballot paper and hand it folded to the electoral officer so that he/she is unable to identify the mark, shall insert the ballot paper in the box placed in front of electoral officer.

### **14.6.2 Electoral dispute board**

The synod shall appoint on compensation three persons with legal background to act as dispute resolution board, at least one be member of the church. Any dispute arising from the elections

regionally and provincially by the affected member shall be referred to the board which shall be final matter.

## CHAPTER 15

### 15.1 Rules and Regulations

- i. All Synod officials are bound to sign a code of conduct
- ii. All members of the church are subject to the disciplinary committee irrespective of the office they occupy.

### 15.2 Discipline

- i. Any member of the congregation who displays insubordination shall be subjected to discipline
- ii. Should any member of the congregation commit any wilful breach of the constitution, rules or regulations of the church, or be guilty of any improper conduct shall be subjected to discipline as per our code of conduct.

## CHAPTER 16

### Conclusion

This constitution shall be amended and adopted by seventy percent (70%) majority.

The final draft of the constitution was adopted by the annual Synod held at Parys on the 9<sup>th</sup> February 2013 and compiled for publication by the following officers:

ADOPTED BY SYNOD:

DATE:

1. Presiding Bishop: \_\_\_\_\_ Date: \_\_\_\_\_

2. Bishop: \_\_\_\_\_ Date: \_\_\_\_\_

3. General Secretary: \_\_\_\_\_ Date: \_\_\_\_\_

4. Moderator: \_\_\_\_\_ Date: \_\_\_\_\_

5. Moderator: \_\_\_\_\_ Date: \_\_\_\_\_



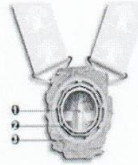
6. Moderator: \_\_\_\_\_ Date: \_\_\_\_\_

7. Moderator: \_\_\_\_\_ Date: \_\_\_\_\_

8. Moderator: \_\_\_\_\_ Date: \_\_\_\_\_

All alteration and amendments will only be done through the properly convened Synod through majority vote.





*Est. 1898* *Est. 1898*  
Founder: Rev P.J. Mzimba – Recipient: Order of Baobab (Gold)

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## Presbyterian Church of Africa

### OFFICE OF THE STATED CLERK

Enquiries: Rev T.S.S. Nkumanda  
Telefax: +2711 909 7474  
Cell : +2778 230 4026  
Fax to email: 086 607 7161  
Email Address: [nkumandass@webmail.co.za](mailto:nkumandass@webmail.co.za)  
Website: [www.presbyterianchurchofafrica.com](http://www.presbyterianchurchofafrica.com)

198 Botomane Street  
Skosana Section  
Katlehong  
1431

28 July 2016

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TO: The Presiding Bishop  
Rt. Rev N.G. Swartbooi  
African Presbyterian Bafolisi Church of SA

Sir

### INVITATION TO THE INDUCTION SERVICE OF THE MODERATOR OF THE GENERAL ASSEMBLY

The above mentioned denomination that is currently led by the Rt. Rev M.G. Qalase as its Moderator, will be holding its 118<sup>th</sup> General Assembly sitting from the 29<sup>th</sup> of September to the 2<sup>nd</sup> of October 2016 at 198 Skosana Section Katlehong. In this sitting the outgoing Moderator the Rt. Rev M.G. Qalase whose term of office will be ending in September this year, will be inducting the incoming Moderator Rev T.S.S. Nkumanda as the leader of the church.

This denomination was founded by the Rt. Reverend Pambani Jeremiah Mzimba who was one of the founding fathers of the Ethiopian movement that were fighting injustices within the church, who ended up forming African churches. The Ethiopian movement was proving to the white missionaries that they can build their African churches and manage them without the white man's assistance and Rev Mzimba's church is one of those that have stood the test of time.

The church this year is celebrating 118 years of its existence and it is showing signs of getting stronger. Rev P.J. Mzimba as an individual have contributed a lot in the liberation struggle of our country alongside Nehemiah Tile, JohnTengo Jabavu, John Knox Bokwe, James Mata Dwane and other stalwarts of his time. As a result of his role in the liberation struggle within the church and the community in recognition of his contribution to the well-being of his people he was awarded the order of Baobab in gold in April 2011 by the President of the Republic the honourable Mr. Jacob Gedleyihlekisa Zuma.

We will be glad if you can join us in celebrating the 118 years of our existence and the induction of our leader on the 29<sup>th</sup> of September the official opening of the sitting is at 10 AM. A message of support to the incoming Moderator from our sister church will give him the direction towards the desired goal. The church will also appreciate if your Amadodana group can also grace us with their music for entertaining our guest on this day.

N.B. The theme of the conference is "A visible ministry promotes a visible church, and a visible church promotes a God fearing society"

Appendix  
Court order

thereof including but not limited to the name of **THE AFRICAN PRESBYTERIAN BAFOLISI CHURCH OF SOUTHERN AFRICA** and with immediate effect;

2. The respondents and/or any other person are to immediately remove the name of **THE AFRICAN PRESBYTERIAN BAFOLISI CHURCH OF SOUTHERN AFRICA** and/or any derivative thereof including but not limited to the name of **THE AFRICAN PRESBYTERIAN BAFOLISI CHURCH OF SOUTHERN AFRICA** from all documentation, material, advertising or promotional items;
3. The respondents and/or any other person are to immediately cease passing themselves and/or their organization off as being in any way or manner associated or affiliated to the applicant; and
4. The respondents and/or any other person are to immediately cease passing themselves and/or their organization off as being in any way or manner associated or affiliated to the applicant, its founder **Father E.J Marumo** and the applicant Church he founded in **1908**

**BY ORDER OF THIS COURT**



**COURT REGISTRAR**

**LOVIUS BLOCK ATTORNEYS**

*RM*



