Legal Minors and Social Children: Rural African Women and Taxation in the Transkei, South Africa

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Although the South African state officially collected taxes only from African men, taxes had a number of effects on African women as well. This paper contends that the first tax instituted, the hut tax, although it did little to change women's social, cultural and economic status by itself, did set a precedent for treating African women as legal minors. Later taxes combined with the development of migrant labor and the declining availability of arable land in the reserves to restructure women's roles dramatically. Taxes were by no means the only or the primary cause of this restructuring, but they were an integral part of the foundation.

It is important to consider the effects of taxes on women, particularly rural women, for two reasons. First, what little secondary literature exists on the taxation of the African population concentrates on how taxes affected the supply of male migratory labor (Ramdhani 1986; Cooper 1981, 307; Marks 1970, 15, 132-3). While this is a crucial question, it tends to link taxes to labor migration solely as cause and effect while ignoring the more complex social consequences of taxes. Some of these consequences were long-term as they played themselves out in people's self-definitions, especially with regard to gender and social roles.

Second, a study of tax regulations and tax collection can provide a mirror in which are reflected the attitudes, assumptions and priorities of state officials dealing with the "Native Problem." The imposition of the hut tax in the early years of the takeover of African societies revealed a particular view of how those societies were constructed and how white officials thought they ought to be altered. Similarly, the new taxes imposed in the years after the passage of the Glen Grey Act in 1894 demonstrated that white assumptions and priorities had changed, even as the taxes responded to changes in African society.

This paper will first give a brief summary of the taxes imposed on Africans in the Transkei. This will be followed by a second section that will analyze for the early period of colonial rule (roughly 1870-94) both the official assumptions embodied in the tax and the social
effects of the hut tax. In this early period, hut tax was, for most Africans, a relatively small obligation which the majority paid even though the state itself had few reliable mechanisms for enforcing its collection. The third section will discuss the same topics for the period 1895-1925. During that period the state imposed more taxes which became an increasingly onerous burden for the majority of Africans to bear. Partly as a result of the increased burden, taxes began to have greater social consequences during this period. The fourth section will focus on the period 1926-58. In 1926 the state raised taxes again, and this combined with the persistent impoverishment of much of the Transkei to contribute to widespread evasion of taxes (and other state policies) by the 1940s, and to the development of a rural revolt in the late 1950s.

Taxes Paid by Africans in the Transkei

The colonial Cape state usually imposed hut taxes on a population as soon as an area came under its control. The hut tax in the Cape was first collected in 1870; in the Transkei it was first collected in 1878. In both regions the tax was ten shillings per hut per year. From 1895 through the 1920s, state regulations imposed new taxes on adult men. These new taxes included General Rate (popularly called poll tax) and stock rate (sometimes called dipping tax) in both the Transkei and the Cape. Moreover, in the Transkei the state imposed the Glen Grey scheme on 7 of the 27 districts from the 1890s into the 1930s. The Glen Grey Act of 1894 was not only a scheme for separate political representation—through the establishment of district councils and the general council (or Bunga) in Umtata—it also provided for the survey of plots and assignment of quitrent title (Hammond-Tooke 1968; Redding 1992). Although this might superficially appear to have been a system of land leasing rather than taxation, in fact, in surveyed districts, the quitrent replaced the hut tax for landholders. Once a district was surveyed, the annual amount of money each African man owed to the state increased. In a surveyed district a married man with a plot no longer paid hut tax, he paid quitrent, usually 15 shillings per year but up to 30 and 45 shillings in some places, depending on the size of his arable allotment. In addition, each man, married or not, had to pay a General Rate of ten shillings per year until the passage of the 1925 Native Administration and Development Act when the General Rate went to one pound per year. Thus, as a result of the Glen Grey and the Native Administration and Development Acts, all adult men in the Transkei had become taxpayers by the mid-1920s: an unmarried man owed at least one pound per year (for General Rate); a married man without arable land at least 30 shillings per year (for
General Rate and Local Tax—the new official name for hut tax); and a married man with land at least 45 shillings per year (for quitrent and General Rate). Along with these taxes there were stock rates imposed throughout the Transkei by 1911; these varied from sixpence to one shilling per animal.

From 1926 to 1958 the tax burden for most male Africans remained the same. (The only exception was for those men who earned more than £400 per year who also had to pay income tax at the same rate as whites.) In 1958 with the passage of the Native Taxation and Development Amendment Act, the General Rate increased to one pound fifteen shillings$ (see table 1).

<table>
<thead>
<tr>
<th>Tax</th>
<th>Year First Implemented</th>
<th>Amount for Tax</th>
<th>People Legally Liable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hut Tax (renamed arable Local Tax)</td>
<td>1878</td>
<td>10 s.</td>
<td>Adult married men (one hut tax per wife per plot in unsurveyed districts).</td>
</tr>
<tr>
<td>General Rate (a.k.a. Poll Tax)</td>
<td>1903</td>
<td>10s.</td>
<td>All adult men.</td>
</tr>
<tr>
<td></td>
<td>1926</td>
<td>£1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1958</td>
<td>£1/15 s.</td>
<td></td>
</tr>
<tr>
<td>Quitrent</td>
<td>1897</td>
<td>15-45 s.</td>
<td>All men with quitrent titles to arable land (n.b.: only 7 districts surveyed for quitrent; in other districts, men continued to pay hut tax.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(depending on size of allotment)</td>
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</tbody>
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The Effects of Taxes during the Early Years of Colonial Rule

When Cape officials initially imposed the hut tax in the 1870s, they did so based on a set of assumptions about African family structure. First, the tax law assumed that the family was patriarchal, since only married men were legally liable. Second, it assumed that women, particularly wives, were the economically productive members of society and that arable agriculture was the major source of income; under hut tax regulations each wife (in her husband's name) received an arable plot and each wife/plot was taxed at ten shillings per year. Thus, if a man had two wives he controlled two arable plots and he paid two hut
taxes. Third, the tax assumed that women and unmarried men were legal minors and dependents, a status that was alterable for men—through marriage—but not for women. Neither women nor unmarried men could work an arable plot in their own names except under rare circumstances (SANAC 1903-05, 4: para. 20512-21).

These assumptions came from a variety of sources, chief among which were state officials themselves, men who testified to various state commissions or participated in the drafting of regulations. As they saw it, the basis for their expertise on African societies was their background: some were sons of other government officials or missionaries and had grown up in the eastern Cape or Transkei; others had participated in military campaigns in the region and later settled there; still others had had government experience in other parts of the British Empire where hut taxes had been imposed on local populations. Their assorted experiences made these men believe that they had a unique understanding of African (or more generally “native”) societies and the appropriate means for governing them.6

A second source of information on African culture was Africans themselves. (Of course the state officials mentioned above usually grounded their own authority in their knowledge of “native customs” and the “native mind.”) Africans counseling white officials included chiefs, headmen, ministers, mission station residents, servants and employees. Many of these informants were men, and officials showed a distinct preference for the testimony of men, although they stated that their own partiality for male testimony was based on an overwhelming African (male) belief in the untrustworthiness of women.7

Both officials and African informants emphasized the subordinate roles women played in African society. Some took an extreme view that saw African women as the chattel of men, exploited for their labor and exchanged, often unwillingly, against cattle. In 1881 the Thembu chief Ngangelizwe took this perspective in testifying to the Native Laws and Customs Commission of the Cape Parliament:

Ukulobola [bridewealth] amongst us is selling. You sell your children the same as you buy this jacket, and pay for a girl the same as you pay for this jacket. I will prove to you that a girl is sold. A woman will run away from her husband, and go home, and the man will either go to the chief or to the magistrate, and demand his cattle back…. In olden times the woman had no rights, and therefore the man got back his cattle, because women are naturally wicked and have no good ways with them. They are the same now, and therefore a woman has no rights (Cape of Good Hope 1883, 1:439).

A white Lutheran minister and missionary at Stutterheim in the Cape, the Reverend Beste, reprised this view of women as chattel, although in a more critical tone:
Native women have to work for their husbands. They must build the huts, and perform all the necessary domestic and agricultural labours, &c., while their lord can eat and drink, bask in the sun, and talk and smoke the whole day (Cape of Good Hope 1883, 2:148).

In reading these sources, especially those that espoused the view of women as chattel, it is important to recognize that they rarely differentiated between what was the ideal and what was the real. There are few contemporary written records comparing the actual work hours of precolonial African men to women, nor is there much evidence about the power of women in making decisions, especially in non-royal households. What we do have are highly generalized and unspecific accounts of gender relations given by men, both black and white, often Christian, often from materially privileged strata of society. For example, Chief Ngangelizwe, although he had not yet converted to Christianity in 1881, had spent several years being taught by Wesleyan missionaries at Clarkebury prior to his becoming chief in 1863. In addition, one might even accuse Chief Ngangelizwe of wishful thinking in specifying that a wife was her husband’s chattel: Ngangelizwe’s Great Wife was Novili, daughter of the great Xhosa chief Sarhili. A rumor that Ngangelizwe beat and otherwise abused Novili and one of her friends was one of the causes behind Sarhili attacking the Thembu in 1871/2, an episode that resulted in Ngangelizwe surrendering control over the Thembu to the Cape Colony (CO 48/478, Barkley to Carnarvon, 23 May 1876; Brownlee 1975, 71-4; Redding 1992; MacQuarrie 1958, 1:20). For his part, the Reverend Beste was a German missionary of 17 years who held particularly strong, disapproving views about heathen practices (Cape of Good Hope 1883, 2:143).

I am not suggesting that these sources lied in describing precolonial women’s status as chattel; I am suggesting that their evidence may be flawed in two ways. First, they may have been describing a social ideal to which an upper stratum of precolonial African society adhered and to which others (perhaps even including women) aspired; it is possible however that this ideal was not an adequate description of reality in the lower strata of society (Bozoli 1983). Second, they may have been projecting their own conceptions (gleaned from missionary literature) about precontact Africans onto African society generally (Comaroff and Comaroff 1991; Elphick 1981).

Compare the evidence of Chief Ngangelizwe and the Reverend Beste above with that of Umgudhlwa, chief of the Jumba clan of the Thembu, and of the Reverend Dr. Henry Callaway, Anglican Bishop of St. Johns in the Transkei. Umgudhlwa described to the commissioners a woman’s position regarding the choice of a husband as being subordinate to her father’s wishes but not without some say in the matter:
The woman is not purchased. The payment of ‘ukulobola’ for a girl distinguishes a married woman (umfazi) from a mistress (dikazi). The cattle passing serves to form a link of friendship between the families. Cases do occur where the ikazi, or cattle payment, is returned; as, for instance, when a woman says she dislikes her husband and goes home. Sometimes a father refuses to receive the daughter, and will talk to her and send her back to her husband, and if she does not go, the father may beat her. The husband is sometimes selected by the father, and sometimes by the daughter; but she has no choice if the father wills it. If the girl objects to her husband she can appeal to the chief, and it sometimes happens that the chief does not compel the girl to marry, and orders the cattle to be given back (Cape of Good Hope 1883, 1:394).

Chief Umgudhlwa described a situation in which men clearly expected their daughters to do as they were told, but, just as clearly, daughters occasionally frustrated these expectations by exercising their own wills. In addition, Chief Umgudhlwa did not lump all females together in the same category of men’s dependents or legal minors; instead, there were different social categories of married women, unmarried women, mistresses, daughters, sisters, and mothers, each of which had responsibilities and rights (M. Wilson 1961, 180-213).

Commenting from the perspective of a proselytizing Christian, the Bishop of St. Johns stated that the church did try to discourage bridewealth and polygyny. Nevertheless he refused to condemn African customs completely and cautioned against a harsh judgment of the customs:

it [the payment of bridewealth] confers rights and obligations...and he [the bride’s father] has a right to interfere in her behalf should his daughter be ill-treated in any way. We are too apt, at times, to look at Kafir customs through our English mode of thought, and thus put wrong interpretations upon them (Cape of Good Hope 1883, 1:404).

Even state officials by 1883 recognized that there was no unanimity of opinion among African men on the proper social roles for women. In the 1883 Report of the Native Laws and Customs Commission the commissioners concluded that

All the evidence, however, proves that a woman is not the slave of her husband. He has no property in her. He cannot, according to native law, kill, injure, or cruelly treat her with impunity. He cannot legally sell or prostitute her, and with the exception of paying cattle to her father, as dowry upon marriage, there is nothing to indicate that native law or custom treat the wife as a chattel.... The only native witness who boldly asserted that a woman was her father’s and husband’s chattel was the Chief Gangelizwe (Cape of Good Hope 1883, 1:30).
It is interesting to note however that the commissioners, in over two years of taking testimony, did not interview a single woman, white or black. One can infer that, although they might have deplored a society in which women were relegated to the level of chattel, they themselves were not ready to credit women with an intelligence and analytic ability equal to those of men.

From the primary and secondary literature on the precolonial period, it seems clear that African women did not have a social status equal to men’s—that they were socially inferior. It also seems clear that women could not accumulate and exchange wealth with the same ease as men—that they were usually economically dependent even though they were economically productive. But it is equally clear that there was considerable difference of opinion among Africans as to the degree of women’s subordination to men, both actual and theoretical.

Certain sources indicate that at least a few African women did have some independence of action and some ability to accumulate and establish claims to wealth (Cape of Good Hope 1883, 2:63). Those with the most established claims to independence of action and wealth were women herbalists and diviners, and the wives and daughters of chiefs. Female herbalists and diviners used their medicinal and supernatural knowledge to promote their social station (at least while they exercised their professions) to a level equal to and sometimes above that of men. They could also accumulate wealth in the form of cattle and other livestock. For their part, female members of chiefs’ families could use their status (albeit enforced by access to their fathers’ or husbands’ powers) as a way of protecting their own wealth and vice versa (Cape of Good Hope 1883, 1:404ff, 2:33).

Recognizing the difference of opinion as to the degree of women’s economic and social subordination to men in the precolonial period is crucial to an understanding of administrators’ motives in retaining the hut tax. If by 1883 Cape administrators knew that a man’s control over his wives and daughters was not complete, while they simultaneously believed that women produced most family income through agriculture, then why continue to collect a tax that assumed that a married man controlled all of the family’s economic assets? If administrators were aware that they were not simply allowing the tax law to reflect the structure of African families, then what were they doing in continuing to collect the tax?

Part of the reason for the hut tax’s longevity was probably plain bureaucratic inertia. By 1883 the hut tax had been collected in parts of the Transkei for five years. It was easier to pursue a policy, flawed as it might be, that was already in place than it was to chart new strategies.

A second, related reason for the persistence of the hut tax was its ease of administration. It was far simpler to make only one family
member legally liable for taxes than it was to make all adults liable. Furthermore, it was somewhat easier to calibrate a tax based on the number of wives in a family than one based on a family’s actual income or wealth, especially given the problems of evaluating non-cash income and of a predominantly illiterate population (Union Native Affairs Department [UNAD] 1912, 104-5, 109-11).

In addition to these largely pragmatic reasons for retaining the hut tax, there was a final reason that had to do with white ideas about gender relations and the proper sexual division of labor within African families. There were features of African family structure that many whites deplored and hoped to change to make them more like the emerging ideal for white (specifically British colonial) families in which women were the spiritual and domestic centers of the family and men controlled the economic sphere (Stoler 1989; Strobel 1987; Comaroff and Comaroff 1991; Gaitskell 1990, 1983; Chanock 1982).\(^8\) First, most whites were against polygyny.\(^9\) By placing a tax on each wife, the state placed an economic disincentive on having multiple wives. Some white officials understood that there already was an economic disincentive to having many wives in the form of bridewealth. The hut tax at ten shillings per year was pitifully small when compared to a bridewealth of up to 10 to 15 cattle—valued at anything between three and fourteen pounds apiece depending on market conditions. Yet, some whites thought hut tax an appropriate if largely symbolic indication of their distaste for the practice. Despite all intentions, however, the state’s available evidence indicated that the hut tax had no effect on the rate of polygyny (UNAD 1912, 33).

Second, many whites frowned upon the sexual division of labor within the family. As they saw it, women and children did much of the work while the adult men idled or, worse, attended beer drinks. Major Elliot, Chief Magistrate of Tembuland and a relatively openminded observer of the time wrote in 1881:

I consider polygamy is an obstacle to the advance of civilisation. The practical evils attending it are that it enables men to live in idleness and compels women to work…. The only reasons I have ever heard natives advance in favour of polygamy are that it is convenient and pleasant, and I have never attempted to meet or refute this argument (Cape of Good Hope 1883, 2:54).\(^2\)

Whites associated men’s idleness with heathenism, hedonism and economic backwardness. Conversely, they associated men working on a daily basis with spiritual enlightenment and relative economic prosperity. These associations were reinforced by the historical correlation among mission stations, men being drawn into agricultural labor through the use of plow and oxen, and the production of marketable cash crops. White officials hoped to strengthen this linkage by using
the hut tax to force all Africans into the cash economy; a corollary to this reasoning was the belief that only by African men taking on a greater share of the labor would families be able to produce enough to pay the hut tax. The man who had originally implemented the hut tax in Natal, Theophilus Shepstone, explained his intentions to the Native Laws and Customs Commission in 1881. He considered it “a good foundation for revenue,” a “tax on polygamists,” and an inducement to participate in local markets (Cape of Good Hope 1883, 1:63, 65, 67). The Cape-based commissioners did not explain their motivations any more succinctly.

Hut tax did compel Africans to participate in a cash economy, even if only at a low level. The tax could not be paid in kind, only in cash. But hut tax was a relatively small financial obligation that few had difficulty meeting in this early period. This was true even though the tax was a higher proportion of income than whites had to pay in taxes (SANAC 1903-05, vol. 3, evidence of R. J. Dick, 2 November 1903; UNAD 1912, evidence of W. Carmichael, para. 115-23). A flock of less than 10 sheep provided enough wool to sell to settle the yearly tax (this is assuming that each sheep produced a modest four pounds of wool for which the going rate hovered around fourpence per pound). On the basis of 1904 census averages, the size of the average flock of sheep was 18 (UNAD 1912, 6-7). In areas where sheep-raising was impractical, tobacco and grain substituted as cash crops; in desperate circumstances, the hide of one cow was usually worth at least ten shillings (NTS 1771, File 64/276/5, RM Nqamakwe to SNA, 24 October 1932; CMK 1/139, RM Tsolo to CMK, 10 January 1887 and 14 January 1888; CMT 3/612, File 50.11, RM Engcobo to CMT, 19 July 1920; NTS 1771, File 64/276/4, CMT to SNA, 8 April 1930; CMT 3/169, Letter 296, ARM Umtata to CMT, 22 December 1891; CMT 1/84, Annual Report for 1891, CMT to USNA, 1 January 1892). The chief clerk for the chief magistrate of the Transkei figured, again in 1904 that the “average” family was paying approximately 6 % of its gross income (one pound ten shillings—this figure included one poll tax and one hut tax—out of £26 worth of produce and wool) (UNAD 1912, 6-7; CMT 3/279, Letter 902/1897, CMT to SNA, 6 December 1897). As a result, the hut tax did not effectively force most African men to shoulder more agricultural labor or to become wage earners.

In sum, prior to the implementation of the Glen Grey Act in 1895, some whites hoped that the hut tax would not only produce revenue, but that it would also assist in reshaping gender and social roles for African women and men. Specifically, they hoped first that polygyny would decline and eventually vanish, and second that men would work harder. African women were to become more like the ideal for colonial Englishwomen: women who concentrated on domestic duties while leaving their men to do the monetarily productive labor; women who com-
mitted to monogamous marriages in which they were the junior, silent partners. Simultaneously, they were to remain African or “native” women who would not aspire to the same high social station as that held by white women. Yet, hut tax by itself did not impose a high enough price either to deter polygyny or to propel men into wage labor. What it did do, however, was lay the legal groundwork for social, cultural and economic changes in African women’s roles, changes that would be catalyzed by additional taxation, the development of migrant labor, population growth, and the impact of legislation that severely restricted women’s choices.

Taxes and Society, 1895-1925

Once again in this period, state policymakers imposed new taxes based on their own assumptions about African society, how it had changed, and how they (the officials) would like to see it develop. The new taxes included General Rate and quitrent. The primary intent of these taxes was to generate revenue for the state; but in choosing what new taxes to impose, officials made some revealing value judgments.

General Rate (poll tax) implicitly recognized that all African men reached their majority at age 18 regardless of marital status. It also presumed that migrant labor or other wage-earning opportunities had potentially made unmarried men at least as economically productive as wives. Similarly, quitrent, although not technically a tax, replaced the hut tax for those men who had arable plots. The notion behind quitrent was that long-term security of tenure (as represented by the quitrent title) made the land inherently more valuable and thus taxable/rentable at a higher rate. Both new taxes ignored women, however, and as a result, the tax laws further divorced African women from both adult status and legal claim to the land. As shown below, although new taxes were a significant material burden, they recognized and created an enhanced legal status for men both as the most economically productive members of society and as the principal trustees of the land.

In contrast to those men who had devised the hut tax system of the 1870s and 1880s, policymakers in 1894 and later, such as Cecil Rhodes, tended to be professional politicians, beholden to a largely white electorate and without substantial experience of interaction with independent African communities. In addition, as Saul Dubow has noted, the theory behind the British imperial mission in Southern Africa was subtly changing at the turn of the century. Rather than striving for the eventual assimilation of Africans, many whites, including those in the Native Affairs Department, were beginning to believe that Africans were unassimilable culturally and could only be taught to
be useful economically to white society (Dubow 1987; Parry 1983). This theoretical change became embodied in the separate tax structure for Africans.

The policymakers who devised the new taxes did so with particular aims in mind. They hoped to tax the wages of young unmarried men, and also to force those young unmarried men who had previously avoided wage labor onto the labor market. (This despite the fact that there was much evidence available that taxes attempting to force people into wage labor had no net effect [UNAD 1912, 134-38].) They ignored women for two reasons. First, policymakers no longer wished to promote African agriculture (still dominated by female labor), and instead chose to promote (male) industrial labor. Second, as policymakers began to believe that African culture (including gender roles) could not be changed for the better, they began to lose their interest in the long-term (or even the short-term) social effects on women of the taxes they proposed. Telling evidence of this neglect of women is provided by the Second-Third Reports of the Select Committee on Native Affairs of the South African Parliament in 1912 (UNAD 1912). In the whole publication (277 pages of testimony taken over a two-month period in 1912), all of which is dedicated to the topic of African taxation, the only question explored with regard to women and taxation was what consequences hut tax had had for polygyny. In creating these new taxes, the framers had less of a social agenda for African women in mind than they had an economic agenda for African men. But simply because there was no agenda for African women did not mean that there was no effect on women.

In fact, the newly imposed taxes had two important effects on women. The first was on women’s social and legal status (including status within the family). The second and related effect was on women’s economic prospects.

Registration as a taxpayer conferred status—the status of being a landholder and a social adult. Many Africans were themselves aware of the status implications of being recognized by the state as taxpayers as exemplified by a Xhosa word for hut tax: irafu or smiling tax. Men smiled when first put on the hut tax registers not because they were happy about paying money to the state, but because being registered was a form of official (and ritual) recognition of a man’s passage into adulthood. It was also a tax that caused rueful or derisive smiles as men contemplated their inability to engage in official politics (Mbembe 1992). The white state allowed few African men in the Cape to vote or to participate in any meaningful way in government; state officials (as well as Christian missionaries) also disapproved of the circumcision ceremony through which African society had historically recognized the transition to male adult status (Cape of Good Hope 1883, 1:505, 2:Appendix C, 44). For most African men the requirement to pay tax was
the only recognition of their adult status that they ever received from the white state. In a sense, taxpayers were the only adults in African society.

By imposing General Rate (poll tax) on unmarried men, the state endowed them with legal adult status. A young man had to register himself on the tax rolls when he reached the age of 18 and afterwards became liable for his own tax. By according all men—married or not—adult status, the tax relegated women to a station below that even of their sons. In short, officials essentially took what had been an extreme view (as voiced by Chief Ngangelizwe in 1881) of complete male superiority over women and made it legally binding.

The allocation of land with quitrent title in the seven surveyed districts, and the ossification of the system of individual tenure and primogeniture in the other districts tended to debase women’s economic and social station as well, especially since it began to take effect as the African population increased (Simkins 1986). Glen Grey surveys and individual tenure limited the number of plots, and with the concurrent increase in population it became common by the mid-1920s for newly married couples to be unable to get arable plots of land because there was none available (Simkins 1981; Simons 1968, 79-80; MacMillan 1930, 127-30). Men’s rights to land became less dependent on marital status and more dependent on the luck of inheritance. A title-holder’s eldest son (or eldest son by his Great Wife if there were multiple wives) legally inherited the title; in practice, however, the heir had either to be married already or marry within a year of the death of his father to take over the land. In short, prior to the 1895-1925 period, marriage had been necessary and sufficient for a man to receive arable land; during and after that time, marriage was still necessary but it was no longer sufficient. In addition, the administration of quitrent became more rigorous about women not being able to hold title in their own names. With increasing competition for arable land, state officials were looking for ways to disqualify claimants, and being female was legally an obvious disqualification (Simons 1968, 261-4). Thus, women became even more dependent on their male relatives for access to land.

In the surveyed districts of the Transkei, those rural wives unlucky enough to be without access to arable land stood little chance of raising enough food to support their families. Yet their husbands were still required to pay Local Taxes (hut taxes) for them as well as General Rates. These wives, unless they had wage-earning jobs themselves, were no longer economic assets for their husbands, they were economic liabilities.

The fact that a decreasing proportion of adults could reasonably expect to have arable plots contributed to further social consequences. First, it caused some men to engage in migrant labor for longer periods of time. Second, it might have fueled the increase in the numbers of men
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deserting their rural wives or absconding to avoid marriage (Shropshire 1970, 30-41). Third, it might have lessened the expectations among rural women of having stable marriages, which might in turn have provided greater impetus for women to become wage laborers themselves (Walker 1990a).

After 1906, approximately thirty years after the hut tax was first imposed, an increasing number of men did become wage laborers. Many were young unmarried men who sought wage labor as a way to buy cattle for lobola. It was thus not the hut tax that forced these men onto the labor market; it was rather a combination of environmental, cultural and demographic factors (UNAD 1912, 149; M. Wilson 1961, 142-4; F. Wilson 1972, 4-5; Jeeves 1985, 87-9; Redding 1992).

As husbands and sons more commonly spent longer periods of time engaged in migrant labor, women had to take greater responsibility for the actual physical payment of taxes. This real responsibility contradicted one of the principles of the tax system: that women were legal minors unable to fulfill adult obligations. As early as 1907, women commonly paid the tax, although magistrates usually allowed male migrant laborers extra time to return from the mines to pay taxes themselves if necessary (CMT 3/55, RM Bizana to CMT, 4 January 1904; CMT 3/681, File 175, “Report of the Chief Magistrate” for 1907; CMT 3/680, File 175, “Blue Book Report for 1911” by CMT; SANAC 1903-05, 3: evidence of Tainton, 6 November 1903). As men spent less time in the rural areas, women had to suffer the brunt of the consequences of nonpayment even though they were not in any legal sense liable. The punishments for nonpayment of taxes could be severe; the man could be tried and stood virtually no chance of being acquitted. After the trial, the police could seize the family’s livestock and other movable property, they could imprison him, or they could confiscate his usufruct title to the land, evicting his whole family in the process, and assign the land to someone else.

In reality, however, the state rarely resorted to these punishments (although the times it did certainly left vivid impressions on people’s minds). In looking through the record books of court cases for some Transkei magistrates, it becomes apparent that in the majority of cases, the court had only to serve a summons for the quitrent or tax to be paid. In some of these cases, men came home or sent money when they heard of the impending crisis. But in others women procured the money themselves. Some got money by taking a lover who could be coaxed into providing the cash. Others took out loans from white traders or wealthier (often male) relatives (1/ECO 6/1/1, File N1/1/5/2, Statements made in RM Engcobo’s office, March 1927). Some women were successful commercial farmers, selling produce, eggs or wool to earn sufficient cash for the taxes as well as for additional needs. Others took advantage of the land shortage by earning wages while illegally...
renting out their plots to other African farmers or allowing them to farm on the halves (1/UTA 2/1/1/157, Case 138/43, Samente Ndabeni vs. Dumanda Ntlakwana, 7 December 1943; Mears 1947, 117-8, 126-7; NEC 1930-32, 15:statements from the Transkei, evidence of J. Bovell Johnson, 11 January 1931; 1/ECO 6/1/77, File 17/14/2, Annual Report Engcobo District 1936). Still others became migrant laborers themselves while leaving their extended families in occupation of the land.  

These strategies paid the quitrent and taxes, and they may also have elevated these women’s positions, at least to the extent of making them more economically independent of their male relatives. But the fact that the state did not legally recognize them as adults with rights to the land undermined their efforts. As women they had neither security of tenure nor legal right to property. The state effectively taxed women without according them the status of taxpayers or adults. Women were still economically productive, but the tax regulations (as well as other laws) treated them as legal minors without defensible property rights.

**Taxes and Society, 1926-58**

The implementation of the 1925 Native Administration and Development Act provides a convenient historical marker in the development of the tax structure and its effects on African gender relations. This act finally unified and systematized the various tax systems that had existed in the four provinces of South Africa. In addition, it altered the destination of tax revenues, so that some were earmarked specifically for African education and some for the development of local (African) councils administered by the Native Affairs Department. But the bulk of revenues still went to pay for the direct governance of the African population by (white) magistrates. A particular philosophy underpinned this tax system: the white state treated Africans as though they constituted a homogeneous group with little internal stratification, and as though they were immutably alien to white society. As aliens, Africans needed to be allowed some local autonomy (in the form of councils), but beyond the local level they still needed a firm white hand directing them (Dubow 1987, 75; Buell 1928, 1:88-110). And, since Africans and their customs were immutable, the tax legislation made no overt attempt to alter the status of women within that culture.

In the Transkei, the 1925 Act initially meant a 50% increase in the General Rate to one and a half pounds. While the General Rate was not directly related to land tenure (unlike hut tax or quitrent), such a substantial increase did diminish family budgets and perhaps contributed to an increase in defaults on other taxes while creating greater impetus to labor migration.
The increase in taxes came at the same time as women were assuming more responsibility for paying the taxes. And both unfortunately came at the same time as life in the rural areas was becoming impoverished. By the 1930s and 1940s the financial situation for many African families in the rural areas had become desperate, and taxes simply added to that desperation. By the 1940s and 1950s tax and quitrent arrears in the Transkei hovered in the 20-35% range, much higher than any time previously.26

One analyst, a former chief magistrate of the Transkei, estimated that the total average tax liability per family in 1943 was 44 shillings, a figure little changed from that of the late 1920s.27 What had changed was the family’s ability to pay those taxes. Taxes were part of an overall budgeted expenditure by the family (if it had three children and the husband worked on the Rand) of £57.12 per year. These expenses could not be offset by a total gross income of £44.10.08— if the man held a surface job at the mines—or £48.07.02 if he was an underground worker. The cash value of grain and other goods (including wool) produced in the Transkei was only a little under £18 per family in 1943; this contrasts with the figure from 1904 of £26.28 What these figures show is that the average African family in 1943 was being taxed on a nonexistent net income.

The figures assumed that the family had access to arable land and that it was able to produce a substantial quantity of grain, meat and milk. and that the bulk of the husband’s wages reached the family in the rural areas (Mears 1947, 288). Despite these optimistic premises, a family with one wage-earner could not earn sufficient income to cover its expenses; the only alternatives were for a second family member to become a wage-earner or for the family to go heavily into debt or both (NEC 1930-32, 15:Statements from the Transkei, evidence of C.C. Harris, 20 November 1930). That second wage-earner was frequently a woman.

But women faced ever greater restrictions on their ability to find wage-earning jobs. The greatest restrictions resulted from legislation curtailing women’s movements. Prior to the 1920s, Transkeian officials allowed women freedom of movement into, out of, and within the rural areas. This contrasted with the situation in Natal and the Transvaal where women were legally required to obtain their guardians’ permission to leave their homesteads (UNAD 1912, 150). But with the findings of the Stallard Commission of the late 1910s and the consequent passage of the 1923 Natives (Urban) Areas Act, the state began to lessen the differences among the provinces. The act was the beginning of a series of laws that gave white municipal authorities the right to exclude African women from urban areas as a way to deny urban land rights—and future political rights—to Africans generally (Davenport 1970). By gradually denying women legal migration to the
urban areas, officials often succeeded in cutting many women off from the more lucrative jobs. Instead, women who went to towns did so illegally and often had to settle for illegal and sometimes degrading occupations, such as prostitution and beer-brewing.

Another more subtle restriction resulted from the cultural, social and economic changes women’s status had already undergone as the legal position of African women as minors gradually seeped into women’s social identities. Discussions of African family life in the 1930s and 1940s frequently depicted women as childlike in both good and bad ways. For example, many Africans (and whites) feared that the migrant-labor system fostered a loss of control and discipline among African women that was leading to the breakdown of the African family (Marks 1989, 225-30). As one male African writer to The Bantu World complained in 1938, “There is something wrong with our women-folk to-day. They have lost their respect, discipline, and manners to the opposite sex” (quoted in Shropshire 1970, 30). The crux of his argument was “the looseness of their [women’s] lives, the illegal unions, unhappy marriages, and the easy love which Bantu daughters accept without thinking, only to be left with illegitimate children whose fathers could not be traced and be compelled to maintain them.” And the writer left little doubt as to where he felt the responsibility for this moral decay lay: “It is no use hiding the poisonous misdeeds of women, they must be told straightway [sic] of these wrongs, perhaps a small number of them might repent.” This commentator saw the root of the problem in women’s childlike nature—childlike in the sense of being undisciplined and present-oriented if not decidedly evil. Women needed men to control them and anything that forced men to leave women on their own for extended periods of time was bound to have unfortunate consequences.29

A concurrent strand of thought about African women still saw them as childlike, but more benevolently as the innocent victims of circumstances beyond their control. By the time the Native Economic Commission (NEC) of 1930-32 met, many commentators—both African and white—remarked on the role taxation (and other economic requirements) played in forcing African women out of family life in the rural areas and often into illegal occupations in the towns. For example, Dr. A. B. Xuma, originally from the Engcobo district of the Transkei, pointed out to the commission that rural women were often caught in financial crises:

Almost all the Native people with income or without, with or without even this four morgen plot of land [available in Native Reserves] are saddled with a tax which is proportionately much higher than what any European pays on the basis of income.... This is a heavy burden to so poor a community. The consequence is that both those who have these small plots of land and those who are landless must
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spend sometime away from home in some industrial centre to get cash to meet these demands...

Women come to the industrial centres: For work usually as domestic servants; to join husbands usually after the husband has been in the city for some time; I have never known any women (Native) who came to town for immoral purposes. [Emphasis in the original] (NEC 1930-32, 15:evidence of Dr. A.B. Xuma).

Xuma was clearly trying to acquit African women of the charge that the only reason they came to town was to become prostitutes or to brew beer for illegal sale. (Although in trying to clear them of such charges, he implicitly conceded that they often ended up earning a living through “immoral” activities.) Xuma carefully couched his defense of women both in terms of their inherent industriousness (they wished to work) and of their marital fidelity (they wished to be with their husbands). He was appealing to a particular ideal of women as blameless wives and helpmates, an ideal that might find favor with white officials and that he himself might have believed.

But to what degree did women themselves accept gender identities partly based on their childlike status? Women delegates of the Universal Negro Improvement Association, Engcobo branch, appealed poignantly to the NEC by juxtaposing taxation, marital and filial desertion, and influx control measures:

1. As regards our grievances, we are complaining about the various taxes inflicted upon us, having no husbands and sons. We complain of having no eye to plead for us to the Government and our local traders have no mercy to pay cash for our agricultural produce.

2. Another grievance we have is the Pass Law. We are called upon to produce passes we being women when we visit large areas like towns—we are being searched, arrested and fined our monies (NEC 1930-32, 15: Transkei Statements, Petition signed Antyi Sobopa and Caroline Sitsila, Engcobo, 20 November 1930).

They professed the notion that their husbands and sons were their legitimate protectors and mediators with the world outside the home; but, the women implied, their male relations could not be counted on and government ought to step in and take their places. At the same time, in point two, the women objected to being legally identified as criminals if they did go to the urban areas. Overall, the women presented themselves as passive and blameless, subordinate to men and the state and asking for mercy.

Legally, mercy was all women could ask for from the state, and officials did grant mercy to individuals, especially to deserted wives. For example, one women in Tsolo district in 1946 used a Cape Town-based male relative to plead her case with the magistrate when she had been threatened with eviction after her husband’s desertion and
default on taxes. The male relative complained, "Sir in this occasion the government is very unfair by assisting Henry in killing his family of six including the wife, because the quickest way of killing a native by starvation is stopping him from growing mealies" (1/TSO 5/1/25, File 2/21/2-51/46, Alban Magodla to RM Tsolo, 16 December 1946). The magistrate responded by telling the local headman to let the wife "carry on" cultivating her husband’s land (1/TSO 5/1/25, File 2/21/2-51/46, A. Magodla to RM Tsolo, 16 December 1946, handwritten note by RM at top), but he also cautioned the Cape Town kinsman, “You must remember that if you do not pay your taxes and owe two years or more the land may be taken away from you” (1/TSO 5/1/25, File 2/21/2-51/46, RM Tsolo to A. Magodla). The wife in this case successfully mobilized her male relative on her behalf and thus retained a right to use the land. But clearly, given the use of the pronoun “you” in the magistrate’s reply, the male relative had taken the place of the husband as the responsible party; the woman and her children had only a derivative legal claim to use the land.

By the 1950s women, legally prevented from owning and earning, often had to abdicate the responsibility for making tax payments themselves because of the financial condition in the Transkei. By the late 1950s and 1960s, the system of tax collection began to break down. Partly this was because officials became literally gun-shy after the Mpondoland revolt that was to a degree a revolt over taxation—as well as over various laws enacted under Bantu Authorities—especially over the increase in General Rate in 1958. But partly it was because magistrates trying to collect taxes, especially at a time of deepening rural poverty, often faced a dilemma: if they allowed the arrears to mount, fewer and fewer people saw the necessity of paying taxes; but if the magistrates used the ultimate collection technique—eviction and reassignment of land—they forced more people (in particular women) into the urban areas, a result directly contrary to the intent of influx control legislation. The effects of laws regarding African migration and land tenancy precluded the successful collection of taxes.

Conclusion

Taxes imposed on the African population were primarily means of raising enough money to pay for governmental administration. Taxes were never simple financial instruments, however; they were also an integral part of a legal system that ultimately changed the status of African women. Some of these changes were intended and some unintended by the white framers of the tax regulations.

Between 1878 and 1895 various colonial governments imposed hut taxes based on a mid-19th century white notion of what the African
family looked like and of what state officials thought it ought to look like. This system made little provision for African women as adults, treating them instead as economically productive but completely subordinate within patriarchal families. For their part, the officials who instituted hut tax believed they were trying to ameliorate women’s condition within the family by discouraging polygyny and altering the sexual division of labor. In fact, however, the hut tax did not have the intended social effects and the greatest social changes that occurred around the turn of the century did so as a result of social, economic, cultural and demographic factors largely outside of the influence of taxation. Hut tax did, however, create a precedent for later laws and other taxes that treated women as legal minors and social children.

From 1895 on, the Cape state imposed new taxes, including General Rate and quitrent. In contrast to the earlier period, the framers of these taxes paid little regard to women’s status, concentrating instead on increasing numbers of (male) wage laborers and on stabilizing land tenure in the “Native Reserves.” Paradoxically, it was these taxes which had the greatest effect on women’s position, both social and economic. General Rate lowered women’s legal status relative to unmarried men by giving the status of legal adults to unmarried men while denying it to women. Quitrent title made it virtually impossible for women to hold land in their own names, making them more dependent on male relatives for access to arable land.

These new taxes did not operate in a vacuum, and the far-reaching social and economic changes they helped to initiate would not have occurred without other factors. These other factors included the development of widespread male migrant labor (and all of the multiple causes of that phenomenon) and the passage of influx control legislation, all of which made men the primary earnings producers. Additionally, the growing African population limited access to land and devalued agricultural production—historically dominated by women. These factors changed the content of gender identity for rural African women as they were no longer the primary source of income or wealth, nor could many identify themselves as agricultural producers except at much reduced levels. Women sometimes stepped outside of these roles by becoming migrant laborers themselves, but with influx control, if they moved to the urban areas, legislation usually identified them as criminals.

As early as the 1930s there is evidence that African women had much reduced economic and social roles—that the tax and legal systems had already had great effect. Ironically, these roles often stood in opposition to the reality of life in the rural areas where women frequently either had to supply the money for taxes or suffer the consequences of nonpayment. As women’s status changed it ground against the limitations imposed by taxes and quitrent titles. No matter how often a
woman paid quitrent she could not get title to the land. No matter how much money she made personally, whatever she paid for with it did not legally belong to her but to her male guardian. The poor fit between the idea of women in the family contained in the tax and legal system and the actuality by the 1950s caused a breakdown in administration. Unfortunately, the administrative breakdown did not transform women’s roles, it merely made the collection of taxes more difficult.

Notes

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1. The South African Republic and Orange Free State did not impose hut taxes—except for a few years in the case of the S.A.R.—but relied instead on poll and labor taxes. Colonial Natal had been the first in southern Africa to collect hut taxes, beginning in 1857.

2. Throughout the paper I shall differentiate between the Cape and the Transkei where appropriate mainly because the laws sometimes differed for the two areas and they were administratively separate. In Natal the hut tax was seven shillings from 1857 to 1875 and thereafter fourteen shillings per hut per year. Central Archives Depot, Pretoria, Records of the Native Economic Commission, 1920-2 (henceforth abbreviated as CAD K26), vol. 27, File 95, Annexures A, B, C, and D.

3. In addition, in eastern Pondoland there was an education rate collected to support schools. NEC 1930-32: volume 27, File 95, Annexures B and E.

4. In the Glen Grey district of the Cape and in the Fingoland districts of the Transkei, the government also imposed a labor tax of £1 on each adult man who could not prove that he had been a wage laborer in the previous year. Although the framers of the Glen Grey Act, Cecil Rhodes, initially intended for the labor tax to be collected throughout the Transkei, it proved unworkable and was never collected. See the testimony of Sir Walter Stanford in UNAD 1912, 117, para. 1009-10. On opposition to the labor tax see Bundy 1987.

5. It should be noted that all the taxes listed above were only the direct taxes that Africans paid. Africans also paid indirect taxes, such as excise taxes included in the prices of various goods bought at trading stores. Unfortunately, the amounts of money involved are difficult to calculate and the payment of excise taxes, import duties and license fees included in the retail prices of goods did not bring Africans into immediate contact with the state in the same way that the direct taxes did. Thus they cannot give the same kind of information about the relationship between the colonial state and its African subjects.

6. The most noted of these men were John MacLean (compiler of A Compendium of Kafir Laws and Customs first published at Mt. Coke in 1858), Theophilus Shepstone (who instituted the hut tax in Natal and later advised Cape officials), Walter Stanford (Chief Magistrate of East Griqualand for several years and later Superintendent of the Native Affairs Department during the Anglo-Boer War), Major Henry Elliot (a
member of the British marines who first served in the Crimea and later in the Eastern Cape; for a number of years he was Chief Magistrate of Tembuland and then of the whole Transkei), and Charles Brownlee, an influential magistrate on the eastern Frontier and later Secretary for Native Affairs. See Cape Province Archives Depot, Cape Town, Records of the Chief Magistrate of the Transkei (henceforth abbreviated as CMT) 1/2, Letter 5A/293, 3 April 1877, marked “Private and Confidential,” Secretary of Native Affairs (henceforth abbreviated as SNA) Brownlee to Major Elliot.

7. “Little weight is given to the evidence of wives or women [in judicial inquiries by chiefs] as they are supposed to be influenced almost entirely by their husbands or relations. Great weight is attached to the evidence of children if it is procured before they have been tampered with.” CMT 1/146, answers by CMT Elliot to Native Laws Commission, 27 September 1881.

8. One that did was, for example, J. C. Warner, Tambookie (Thembu) Agent, who in 1856 stated: “Marriage among the Kafir has degenerated into slavery, and is simply the purchase of as many women by one man as he desires, or can afford to pay for,” (MacLean 1858, 70). Yet he later notes, “Although in theory, perhaps, the power of the husband over the wife is considered absolute in every thing but taking her life; yet in reality there are many checks to his power,” (72).

9. Jeff Guy generally rejects this possibility of differences in the treatment of women among strata of precolonial society in two articles (1987, 1990). However, he puts forward no new evidence to support his contentions other than references to the secondary literature; this literature has not adequately explored the difficulties presented by the sources.

10. I do not mean to suggest that this ideal was monolithic or uncontested, but it was gaining popularity in the social circles of colonial administrators.


12. For a discussion of this point of view see Cope 1989.


14. Most informants in the Transkei used the word irafu to discuss hut tax. The explanation of the term was given to me by an ex-school teacher in Manzana location Engcobo district. Jeff Peires has suggested a second possible derivation for the word from the Afrikaans word for tax—"opgraaf." The two derivations may not be mutually exclusive; but even if one does not accept the meaning of irafu as "smiling tax," the social status conferred by registering for hut tax remained the same. See comments about the hut tax in UNAD 1912, Appendix A, “Memorandum on Native Taxation in the Provinces of the Union,” p. i.

15. The size of an arable plot varied across districts but was usually in the range of 10 to 12 acres. In addition to these arable plots, all huts usually had a small (less than half acre) plot nearby commonly referred to as a garden. For information on landlessness in one
Transkeian district, see NTS 1771, File 64/276/5, Letter 24 October 1932, RM Nqamakwe to SNA.

16. Hut tax and land allocation up to the 1890s had been comparatively informal systems with each magistrate having a fair bit of latitude for making exemptions and allowing unmarried or widowed women to work the land. CMT 3/627, File 60, Letter 3 January 1914, RM Ngqeleni (Armstrong) to CMT; CMT 3/1650, File 493.6, Letter 7 September 1917, RM UTA C.J. Warner to CMT; CMT 3/1650, File 493.6, Letter 17 February 1920, RM Umtata (T.W.C. Norton) to CMT; CMT 3/1650, File 493.6, Letter 21 February 1920, CMT (C.J. Warner) to SNA; CAD C 17, vol. 3, Evidence of L.G.H. Tainton, Native Location Inspector Kingwilliamstown, 6 November 1903.

17. For an example from the Engcobo district see Cape Province Archives Depot, Cape Town, Records of the Magistrate of the Engcobo district, Transkei (henceforth abbreviated 1/ECO) 6/1/1, File N1/1/5/2, Statements from Masikonde Luhana in March 1927, in RM's (Engcobo) office. See also SANAC 1903-05: vol. 3, Evidence of L.G.H. Tainton, Native Location Inspector King Williams Town, 6 November 1903.


19. In fact, there was no criminal statute for dealing with tax defaulters until the 1920s; until then magistrates had either to sue them in civil court or charge them with criminal vagrancy.

20. To some extent this attempts to prove a historical negative, that is, how many people were not actually brought to court and why. The evidence is somewhat diffuse: CMT 3/86, Letter 25 June 1894, RM Engcobo (C.J. Warner) to CMT; CMT 3/90, Blue Book Report for 1899, dated 20 January 1899, RM Engcobo (Warner) to CMT; CMT 3/610, Circular NO. 18 of 1921, 28 November 1921, CMT to All Resident Magistrates in the Transkeian Territories; CMT 3/612, File 50.11, Letter 23 September 1920, RM Bizana (W. Hargreaves) to CMT; CMT 3/612, File 50.11, Letter 20 August 1920, RM Lusikisiki (A. Gladwin) to CMT; NTS 2486, File 41/293 (1), Circular, 23 April 1907, SNA (E. Dower) to all Civil Commissioners of Divisions of the Colony Proper in which there are locations on Crown Land; NEC 1930-32: File N.E.C. 68A, Letter 19 February 1932, Native Commissioner Komgha, H.W. Liefveldt, to Sec'y to Native Economic Commission; CAD K26 15, File “Records of Statements from the Transkei,” Statement by John Guma and Nantiso Kula, representing the Young Men’s Agricultural Society, at Engcobo 20 November 1930; CAD C 17 vol. 3, Evidence of R.J. Dick, Special Magistrate, King William’s Town, 2 November 1903. See also 1/UTA 1/2/1 and successive numbers (the record books for criminal prosecutions for the Umtata magistrate) for case listings of defaulters charged.


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Territories for the Year Ending 31 December 1958; CAD K26 15, no File #, Evidence to the Native Economic Commission by Dr. A.B. Xuma.

23. There are numerous examples of migrant laborers leaving their families in the rural areas: Testimony of Sir Walter Stanford, UNAD 1912, p. 150, para. 1191; CAD K26 15, no File #, Evidence to the Native Economic Commission by Dr. A.B. Xuma, M.D.; CAD K26 25, File 68E, Replies to questionnaire, 17 February 1931, Native Commissioner Far East Rand (Benoni, Brakpan and Springs) to Sec'y Native Economic Commission; CPAD 1/BUT 1/1/26, Case #260 of 1933, R. vs. Qali Mlauti, 19 May 1933; CAD K26 12, Records of Johannesburg Statements, Statement by Henry Britten, Magistrate Johannesburg; CAD K26 14, Records of Durban Statements, Statement of Superintendent Municipal Native Affairs Dept., Pietermaritzburg, 7 April 1931; CAD K26 16, File Orange Free State Statements, Statement of Robert Sello, Junior Vice President of the I.C.U. and Henderson K. Binda, Provincial Secretary of the I.C.U.; CAD C 17, vol. 3, Evidence of 3 Transkeian RMs, at Butterworth, 16 March 1904, N.O. Thompson, RM Kentani; UAD Chiefs and Headmen File 71, File 3/4/1, Quarterly meeting of Chiefs and Headmen, Engcobo, 5 October 1956.

24. The only clear cut exception to this was the property belonging to women herbalists: if a woman could prove that she was an herbalist and that she had earned the property through her practice, her male relatives could not lay legal claim to it.

25. It should be noted that for purposes of marriage after 1913 African women in the Cape did reach majority at age 21; that is, after a woman turned 21 her father could no longer legally prevent her from marrying whomever she wished by denying permission. See Simons (1968, 46) and Shropshire (1970, 144-55).


28. Mears 1947, 288, UNAD 1912, pp. 6-7, para. 42. In real terms (adjusting for inflation) the decrease in production per family would be even more dramatic, a result of soil exhaustion, erosion, and the declining size of a flock of sheep.

29. For other opinions along the same lines as above see, CAD K 26 16, File Orange Free State Statements, Statement of Robert Sello, Junior Vice President of the I.C.U. and Henderson K. Binda, Provincial Secretary of the I.C.U.; CAD K 26 16, Records of Statements from the Orange Free State, Evidence submitted by the Kroonstad Joint Council of Europeans and Natives dealing with problems connected with Kroonstad Location, 17 February 1931; CAD K 26 16, Records of Statements from the Orange Free State, Evidence of the Native Advisory Board, Kroonstad, 17 February 1931; CAD C 17, vol. 3, Evidence of the Rev. F.K. Kama, Church of England Missionary, Kingwilliamstown, 10 November 1903; CAD C 17, vol. 6, Written Replies to Questions by G.W. Barnes, Protector of Natives, Kimberley, 5 November 1903; CPAD 3/UTA 66, File 50, Letter, 23 March 1938, Health Inspector, Municipality of Umtata, Health Dept., to Town Clerk; and CMT 3/86, Letter 28 March 1892, RM ENC (A.H.) to
CMT, enclosing various returns re: Native Labour, Return of A.H. Stanford, dated 28 March 1892.

30. This charge was often levied by white municipal administrators who were either ignorant of or unsympathetic to the plight of African women in the rural areas. See for example CAD K 26, vol. 13, File Port Elizabeth statements, Evidence of Louis Stephanus van der Walt, Sergeant in the SAP, stationed at New Brighton, Cape Province.

31. The Mpondo revolt is discussed in several series of letters from Magistrates of the affected districts: CMT 3/1471, File 42/1 Confidential, Replies to CMT's circulars, various magistrates (Bantu Affairs Commissioners) to Chief Bantu Affairs Commissioner, dated February through August 1961; 1/BIZ 6/61, File N1/9/2/1, Letter 13 June 1960, RM Engcobo (Midgely) to CMT; 1/BIZ 6/47, File C.9 (6), Letter 21 November 1958, Chief Native Commissioner (T.D. Ramsay) to the Secretary for Bantu Administration and Development, Pretoria.

References


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