

CNC 48/1.

Department of Native Affairs,

P. O. Box 382,

Pietermaritzburg.

16th January, 1947.

Councillor A.W.G. Champion,  
19 Old Dutch Road,  
P.O. Box 1657,  
Durban.

Sir,

UMNINI TRUST.

I forward copy of Deed of Trust in the above connection in response to your request made yesterday.

Yours faithfully,

?

CHIEF NATIVE COMMISSIONER:NATAL.

U M N I N I T R U S T

1788

Vol. 38. Folio 10.

THIS INDENTURE made this twenty seventh day of May in the year of Our Lord One thousand eight hundred and fifty eight between HIS EXCELLENCY JOHN SCOTT Esquire, Lieutenant Governor of the Colony of Natal, in the name and on behalf of HER MAJESTY QUEEN VICTORIA of the one part, and the LORD BISHOP OF NATAL, the SECRETARY for Native Affairs, and the Chief of the tribe of AMATULI, of the other part, WITNESSETH that the said JOHN SCOTT, Lieutenant Governor of Natal, doth by these presents, grant, cede and transfer unto the said LORD BISHOP OF NATAL, the said SECRETARY for Native affairs, and the said Chief of the tribe of AMATULI, and their successors, ALL, THAT and THOSE, that ploece of land containing seven thousand nine hundred and seventy acres, one rood and eight perches, more or less, situate in the county of Durban, within the Colony of Natal, and bounded on the North by River Uzimbazi, East by Government Reserve, South by Government ground and West by Mission property and open ground, as will further appear by the Diagram thereof framed by the Surveyor and hereto annexed.

TO have and to hold the said hereinbefore described land unto the said LORD BISHOP of Natal, the said SECRETARY for Native Affairs, and the said Chief of the tribe of AMATULI, and their successors, to the uses upon and for the trusts and purposes and subject to the powers, conditions, and agreements hereinafter declared of and concerning the same THAT IS TO SAY, upon trust that the said LORD BISHOP of Natal, the said SECRETARY for Native Affairs, and the said Chief of the tribe of AMATULI and their successors, shall apply the yearly rents, profits, and issues thereof, to and for the use of benefit, and advantage of the people of the <sup>said</sup> tribe as the Trustees shall deem most judicious and advisable, and also upon trust to apportion the said land amongst the people of the said tribe, at such times, and to grant the same in freehold, amongst the said tribe, subject to such conditions, restrictions, and reservations, as the said LORD BISHOP of Natal, the said SECRETARY for Native Affairs, and the said Chief of the tribe of AMATULI, and their successors, shall think fair and reasonable PROVIDED ALWAYS

and/...

and it is hereby agreed and declared by and between the said parties hereto that it shall and may be lawful for the said LORD BISHOP of Natal, the said SECRETARY for Native Affairs, and the said Chief of the tribe of AMATULI, and their successors, at any time or times to demise and lease the same lands or any part thereof to any person or persons whomsoever, for any term of years not exceeding twenty one years to take effect on possession and not by way of future interest at the best yearly rent that can be had or gotten for the same and upon such other terms and conditions as the said LORD BISHOP of Natal, the said SECRETARY for Native Affairs, and the said Chief of the tribe of AMATULI, and their successors, shall think fair and reasonable, AND if any disputes or difficulties shall at any time arise in relation to the said LANDS hereby granted, or any part thereof, it shall be lawful for the said LORD BISHOP of Natal, the said SECRETARY for Native Affairs, and the said CHIEF of the tribe of AMATULI, and their successors, if they shall think proper at their discretion to refer any such disputes or difficulties to arbitration in the usual manner, or otherwise to settle and adjust the same in such manner, in all respects as they shall think proper. AND THAT IT SHALL and may be lawful for the Governor of the colony for the time being, from time to time to call upon and require the said LORD BISHOP of Natal, the said SECRETARY for Native Affairs, and the said Chief of the tribe of AMATULI, and their successors, to render an account of the trusts hereby created or of any monies received in virtue thereof AND to institute and maintain any actions or suits for the recovery of any money that shall appear due on the taking of said account and for the compelling of the said LORD BISHOP of Natal, the said SECRETARY for Native Affairs, and the said Chief of the tribe of AMATULI, and their successors, or any of them, to render account of the trusts hereby created and of any monies received in virtue thereof PROVIDED ALSO, and it is hereby agreed and declared by the said parties hereto that the receipts in writing of the said LORD BISHOP of Natal, the said SECRETARY for Native Affairs, and the said Chief of the tribe of AMATULI and their successors for the time being, acting in the  
execution/...

execution of the trusts or powers of these presents for any monies payable to them, by virtue of these presents shall effectually discharge the person or persons paying the same from all responsibility as to the misapplication or non application thereof and from all obligation of seeing to the application thereof. **PROVIDED ALSO** and it is hereby agreed and declared by and between the ~~said~~ hereto/ parties that if the ~~said~~ Trustees hereinbefore appointed or any or either of them, or any further trustee or trustees to be appointed as hereinafter is mentioned shall happen to die or shall depart from the colony or shall be desirous of being discharged or shall decline or become incapable to act in the trusts or powers herein contained before the same shall be fully performed or otherwise satisfied then and in every such case it shall be lawful for the Governor of the Colony for the time being by any writing under his hand to substitute and appoint any other person or persons to be a trustee or trustees in lieu of the trustee or trustees so dying, departing from this Colony, desiring to be discharged, declining or becoming incapable to act as aforesaid **AND THAT** when any new Trustee or Trustees shall have been appointed as aforesaid all the said trust lands and any monies arising there from which shall be then vested in the trustees or trustee for the time being of these presents shall with all convenient speed be ceded, transferred and paid so as effectually to vest the same in the continuing trustees and such new or other trustee or trustees or if there shall be no continuing trustee then in such new trustee or trustees only upon the same trusts as are hereinbefore declared concerning the same or such of the same trusts as shall be subsisting or capable of taking effect and it is hereby agreed and declared that every such new trustee shall in all things act and assist in the management and execution of the trusts and powers to which he shall be so appointed as effectually and with the same powers, authorities, exemptions, and discretion as if he had been originally by these presents nominated a trustee for the purposes aforesaid.

**PROVIDED ALWAYS** and it is hereby agreed by and between the parties to these presents that if any disputes or difficulties should arise between the present or any hereafter to be appointed trustees/...

trustees the said difference or dispute shall be determined and settled according to the opinion of the majority of the trustees done in pursuance of such determination or settlement of disputes or differences shall in all matters, acts, things and deeds be as effectual and conclusive as if all the trustees had therein concurred and agreed PROVIDED ALSO and it is hereby agreed and declared by and between the said parties hereto that the said LORD BISHOP of Natal, the said SECRETARY for Native Affairs, and the said Chief of the tribe of AMATULI and their successors shall be chargeable respectively only with so much money as they respectively shall actually receive by virtue of the trusts hereby in them reposed notwithstanding their respectively joining with any co-trustees or co-trustee in the signature of receipts, for the sake of conformity and shall not be answerable or accountable for any loss or damage which may happen in the execution of any of the trusts or powers herein expressed, or in relation thereto, unless the same shall happen through their own wilful default respectively - AND IT IS HEREBY further agreed and declared that it shall be lawful for the said LORD BISHOP of Natal, the said SECRETARY for Native Affairs, and the said Chief of the tribe of AMATULI, and their successors, out of monies which shall come to their respective hands by virtue of these presents, to retain to and reimburse themselves respectively and to allow to their co-trustees all such costs, charges, damages and expenses, as they or any, or either of them may sustain or incur, in or about the execution of any of the trusts, or powers herein expressed or in relation thereto, provided, however, that the said LORD BISHOP of Natal, the said SECRETARY for Native Affairs and the said Chief of the tribe of AMATULI, and their successors, shall not be entitled to charge or receive any pay or commission or fee for or in respect of the trust thereby created, or any act done by them therein. IN WITNESS WHEREOF the said parties to these presents have hereunto set their hands and seals, the day and year first above written.

SIGNED, SEALED AND DELIVERED

by the within named in the presence of

"PHILIP ALLEN"

J. SCOTT/...  
Ct

"J. SCOTT."

"P. J. SUTHERLAND".

Maseze X his mark

Noulwa X his mark

Makawana X his mark

"J. W. NATAL" Seal

"H. C. Shepstone" Seal

Umnini X his mark Seal

WHEREAS power is reserved in the within Indenture of grant to the Governor of the Colony of Natal for the time being by any writing under his name to substitute and appoint any other person or persons to be a Trustee or Trustees in lieu of any or all of the Trustees named in the within Indenture.

AND WHEREAS from various causes in said Indenture provided for it has become necessary to appoint new Trustees for the purposes contained and set forth in the within Indenture:

NOW THEREFORE, I, HENRY ERNEST BULWER in my capacity as Governor of the Colony of Natal in exercise of the power given to me by the within Indenture do by these presents, appoint and substitute HENRIQUE CHARLES SHEPSTONE, Secretary for Native Affairs, of Pietermaritzburg, JOHN WILLIAM TURNBULL, advocatē of Pietermaritzburg, UMCOTOI, Chief of the Amatuli tribe, Colony of Natal, to be Trustees of the within Indenture in the place of the within named Trustees in all the Trustees and for all the intents and purposes expressed and contained in the within Indenture and which are now subsisting or capable of taking effect.

GIVEN under my hand at Pietermaritzburg, this sixth day of March 1885, in the year of our Lord, One Thousand Eight Hundred and Eighty Four.

"HENRY GULWEY".

WHEREAS JOHN WILLIAM TURNBULL has resigned his position as Trustee of the Trust in the within Indenture:

AND WHEREAS it is necessary to appoint a new Trustee in his place for the purposes contained and set forth in the within Indenture:

NOW THEREFORE, I? CHARLES BULLEN HUGH MITCHELL,

in/...

in my capacity as Governor of the Colony of Natal, in the exercise of the power given to me by the within Indenture, do by these presents, appoint and substitute CHRISTOPHER JOHN BIRD of Pietermaritzburg, to be a Trustee of the within Indenture in the place of the said John William Turnbull resigned.

GIVEN under my hand at Pietermaritzburg, this third day of January, in the year of our Lord, One thousand, eight hundred and ninety one.

"A. B. H. MITCHELL"

WHEREAS the above named CHRISTOPHER JOHN BIRD has resigned his office as a Trustee under the within written indenture:

AND WHEREAS HENRIQUE CHARLES SHEPSTONE, one of the Trustees, under the said Indenture, who at the time of his appointment as such Trustee held the office of Secretary for Native Affairs, hath since ceased to hold the said office:

AND WHEREAS by reason of the resignation of the said CHRISTOPHER JOHN BIRD it is necessary to appoint a Trustee in place of the above named Christopher John Bird, and it appears to me expedient to appoint as such Trustee the Secretary for Native Affairs for the time being:

NOW THEREFORE, in pursuance of the powers vested in me by the within written Indenture I, Sir WALTER FRANCIS HELY HUTCHINSON, Governor of Natal, do by these presents appoint the Honourable James Liege Hulett in his capacity as Secretary for Native Affairs of the Colony of Natal and each of his successors in the said office of Secretary for Native Affairs to be a Trustee for all the trusts and for the intents and purposes expressed and contained in the said Indenture.

GIVEN under my hand at Ladysmith, Natal, this 30th day of August, One Thousand eight hundred and ninety eight.

"WALTER HELY HUTCHINSON"

Governor.

The within property is subject to a Lease No 38/1922 registered this day.

Lease/...

Lease Register Vol/folio 712

31st August 1922.

"C.C.Cope".  
for Regr. of Deeds.

(Sub. S.A.R. <sup>1</sup>	1	acre	2	roods	3.36	perches.
{Sub. S.A.R. <sup>2</sup>	5	"	3	"	19.20	" .
{Sub. S.A.R. <sup>3</sup>	-	-	-	-	13.25	" .
{Sub. S.A.R. <sup>4</sup>	-	2	"	21.92	" .	

(Transferred to Union Govt.

Property Regr. Vol 2 Fol. 786.

10th May 1924.

"L.Billett"  
for Regr. of Deeds, Natal.

(Sub. S.A.R. <sup>5</sup>	in extent	11	acres	22.85	perches.
{Sub. S.A.R. <sup>6</sup>	"	"	2	"	2 roods. 18.66 Perches.

(Transferred to the Union Govt. (.S.A.R.)

Property Regr. Vol 2 Fol 786.

16th Aug. 1927.

"P.J.S.BAARTMAN."  
for Regr. of Deeds, Natal.

UNION OF SOUTH AFRICA.

Department of Native Affairs.

6568/F.1281.

Pretoria, 7th October

1913.

UMNINI TRUST.

The CHIEF NATIVE COMMISSIONER : NATAL.

With reference to your minute No.644/13 of 3rd May last, I am directed to inform you that His Excellency the Governor-General-in-Council has been pleased to approve in terms of Section 16 of the South Africa Act 1909, and of the provisions of the Deed of Indenture dated 27th May 1858 creating the Umnini Trust, the substitution and appointment of Richard Hallows Addison, Chief Native Commissioner for the Province of Natal, and each of his successors/...

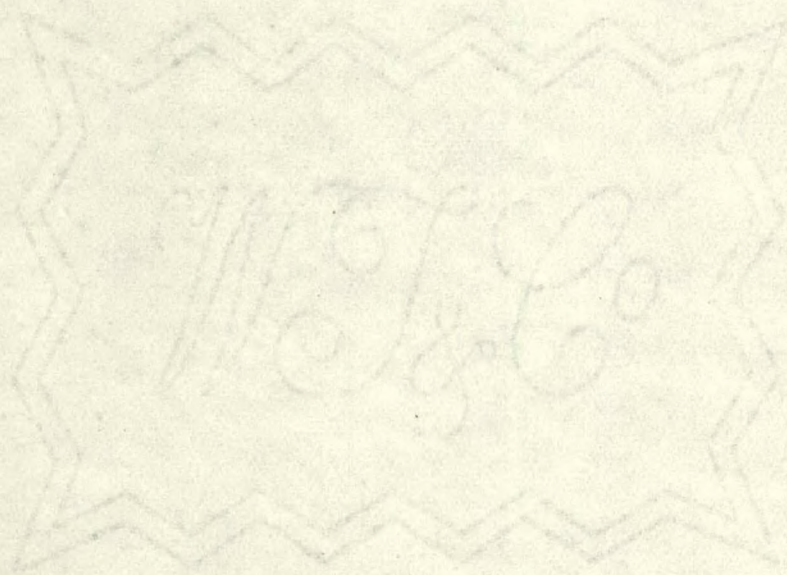


successors in office, as a trustee under the said Indenture in the place of the Secretary for Native Affairs, resigned, for all the trusts and for the intents and purposes expressed in the said Indenture.

A letter is being addressed to Mr.H.C.Shepstone advising his of this change of trustees.

signed M.G.APTHORP.

for Secretary for Native Affairs.



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**Allison Wessels George CHAMPION Papers, 1925-1959**

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