



Maori Real Estate Management Act 1888

- Citation:** 52 V. No 39
- Date of Assent:** 30 August, 1888
- Commencement:** Date of Assent
- Repeal:** Repealed 24 December, 1909 by 1909, No 15
- Amendments:** 1893, No 40: See separate record.
 s2 amends s5
 s3 amends s6
 s6 amends ss2 and 9(5).
 1895, No 52: See separate record.
 See s80 – vesting of estate when minor turns 21.
 1908, No 253: See separate record.
 s19 amends ss3 and 5.
- Type of Legislation:** Public
- Subject:** Public/Native/Maori Trustee
 Compulsory Acquis & Transfer of Control
 Maori Land Court: Structures & Jurisdiction
- Relevant Sections:** s2: “Native” includes half-castes and their descendants.
 “Hereditaments” defined as land owned by Natives but does not include land held under Native custom and not yet investigated by NLCt. “Trustees” defined as trustees appointed under this Act.
 s3: NLCt may order hereditaments of Native minors, lunatics and Natives with other disabilities to vest in the Trustees.
 s4: Court may appoint new trustees.
 s5: Trustees may sell or lease the trust estate. Proviso that Judge of the Supreme Court must approve the terms of the lease. Proviso that lease, other than building lease, shall not be for a term exceeding 21 years.
 s6: Purchase money to be paid to an account opened by the Public Trustee.
 s7: Trustees may exercise the same rights and powers over the Trust estate as the owners would if not ‘disabled’.
 s8: Trustees may apply the rents and proceeds of the Trust estate to a variety of purposes, eg keeping buildings and fences in good repair, paying rates and gathering crops.
 s9: Trustees may,
 (1) pay expenses incurred by appearing before a Court on behalf of beneficiaries in order to establish title to land,

Relevant Sections, Commentary and Cross Reference continued next page



- (2) pay annuity to widow of deceased owner for her maintenance,
- (3) with consent of NLCt, pay portion of rents amongst members of the tribe who may be entitled to the land according to Native custom,
- (4) invest rents and money held by them,
- (5) if trust is held for minors it shall be equally divided to vest in each minor when they turn 21,
- (6) trust fund may be used to pay for the maintenance or education of a minor,
- (7) may apply the income or share of a minor, if a male for placing him in business or a profession and if a female to her on marriage,
- (8) when all minors have reached 21 the trust estate shall be wound up,
- (9) execute deeds, instruments etc,
- (10) be reimbursed for charges and expenses,
- (11) may receive administration remuneration of 5%.

s10: Trustee's receipt to be discharge for money received.

s11: Trustee chargeable for his own acts only.

s12: On application the Supreme Court may make orders for vesting the hereditaments, for distributing or investing trust funds, or the payment of interest or proceeds.

Commentary: This Act is described in the Debates as a "re-enactment" of the 1867 Act, which had been repealed in 1886, but the Debates indicate that the trustees are given more power to alienate land. Parata says that injustice may be done through trustees being given the power to dispose of the property of minors and complains of the cost to next of kin in having to go to the Supreme Court to establish the right of having property held under the Public Trustee.

Cross Reference: NZPD vol 62 (1888) 17, 215

Reported Court Cases:

In re Bevan (1909) (ss.5, 8): 29 N.Z.L.R. 714, 12 G.L.R. 328

In re Wiremu Pohe (1900) (s.3): 19 N.Z.L.R. 193, 2 G.L.R. 342

Morrison v. Preece (1890) (s.5): 9 N.Z.L.R. 63

Ramarihi Tokotowhanga v. Campbell (1897) (s.7): 15 N.Z.L.R. 515

Mullooly v. Apiata Te Hame (1893) (ss.9, 12): 11 N.Z.L.R. 820

In re Downs (1909) (s.12): 28 N.Z.L.R. 929, 12 G.L.R. 169.