112. Pursuant to section 46 of the Licensing Amendment Act, 1910, the Maoris in a Maori Council District may, if the district is proclaimed by the Governor-General for the purposes of section 46, determine at an election on a day appointed by the Governor-General whether liquor shall be supplied to Natives in that district or not. If the negative is carried, supply is unlawful to any Native, male or female, and whether on licensed premises or not, unless (*a*) for medicinal purposes on the authority of a registered medical practitioner, (*b*) for religious purposes, or (*c*) to any Native who is the wife of a person other than a Native. These provisions were enacted at the same time as provision was made for a National Prohibition Poll, and these districts may be appropriately termed Native Prohibition Districts.

113. It may here be noted that four of these districts were proclaimed under section 46—the Takatimu and the Arawa Districts, by Proclamation of the 26th July, 1911 (*N.Z. Gazette*, 1911, p. 2305), and the Horouta and the Wairoa Districts, by Proclamation of the 3rd November, 1911 (*N.Z. Gazette*, 1911, p. 3333). The proposal that liquor should be supplied to Maoris was carried in the Takatimu, Arawa, and Wairoa Districts, but the proposal that liquor should not be supplied to Maoris was carried in the Horouta District. This district remained subject to the restrictions of section 46 until a further poll was taken on 6th December, 1922, pursuant to the Horouta District Licensing Poll Act, 1922, when it was decided by 1,272 votes to 221 that liquor should be supplied to Natives. There are, therefore, no Native Prohibition Districts in operation to-day under section 46 of the Act of 1910.

114. The Licensing Act, 1908, continues the provisions of the Act of 1881 for the constitution of Native Licensing Districts (section 5 (3) and (4) of the 1908 Act). We have stated the position concerning the Maoris so far without reference to these districts because it has been assumed for many years that none exist. We have, however, had a search made by the Under-Secretary for Native Affairs, and it is not now clear that this is so. If any Native licensing districts do exist, then the statement of the law which we have already made may require modification. The position, as we have ascertained it, is as follows :—

115. A Native licensing district cannot be constituted unless, in the opinion of the Governor-General, at least half the inhabitants of the district are Maoris and the district cannot include any part of a borough. Many licensing districts were, however, constituted prior to the Licensing Act of 1881. By section 17 of that Act all parts of the Colony which had been proclaimed districts under the provisions of the Outlying Districts Sale of Spirits Act, 1870, and the districts described in the Schedule to the Licensing Amendment Act, 1875, were constituted Native Licensing Districts under the Act of 1881. By section 17 also those districts might be altered or abolished by Order in Council. The search undertaken with great care and trouble by the Under-Secretary for Native Affairs shows that all the districts have been abolished, save, apparently, the following : (1) Inland Patea, which was constituted on the 16th May, 1889 (*N.Z. Gazette*, 1889, p. 489) ; and (2) the district of Mangonui, Hokianga, and Bay of Islands, defined in the Schedule to the Licensing Amendment Act, 1875, which was declared to be a Native licensing district by section 17 of the Act of 1881.

116. The Under-Secretary has been unable to find any Orders in Council abolishing these two districts. If they have not been abolished by Order in Council, they may not have been abolished by the implied effect of subsequent legislation, such as section 43 of the Act of 1910, because the provisions concerning Native licensing districts are still retained and they constitute special legislation. If these two districts have not been abolished, at least two effects appear to follow :—

(1) An ordinary Licensing Committee within the area of either of these districts cannot deal with any application for the grant, renewal, transfer, or removal of a license unless one Native Assessor, elected for that district, is present and consents to the application (sections 68 and 69 of the Licensing Act, 1908). His consent is declared to be indispensable. Native Assessors have not been elected in these districts for many years, but that would not a ter the prohibition. It would only mean that licenses could not be dealt with until an Assessor had been elected.