

ings now under review. She gives a detailed account of the arrest of Matau as seen by her, as will be observed from the following quotation from the note of her evidence :—

I saw Matau in the procession : I saw him arrested opposite to Fabricius's.

Q. In what way was he arrested ?—A. The sergeant caught hold of him.

Q. How ?—A. He tried to put his arms round him ; he succeeded.

Q. What was Matau doing just before that ?—A. He was playing his instrument.

Q. What did the sergeant try to do with Matau when he put his arms round him ?—A. He tried to lift him up, but he fell down.

Q. Can you say if the European sergeant was struck down ?—A. No ; he fell down by himself. He stood up again immediately.

Q. Was it the sergeant's face that was towards you, or his back ?—A. He was sideways on to me.

Q. When the sergeant was on the ground did any one go to his assistance ?—A. Nobody helped him—he just got up.

Q. What did he do then ?—A. He made another rush at Matau and caught hold of him.

Q. Well, what happened on this second attempt ?—A. Matau ran away.

Q. What happened next ?—A. The first shot went off.

Q. From where was that shot fired ?—A. Opposite Fabricius's.

Q. Did you see a man fire it, or only hear it ?—A. I heard it.

The witness was asked about the period of time between Matau breaking away the second time and the first shot being fired. She became confused about the period of time—genuinely, I think—and was unable to give a definite answer.

I have now completed a summary of the evidence of the eleven witnesses who have been able to speak about the firing of the first shot. From this evidence it is clear to me that no shot was fired by the police until some time after Sergeant Fell was struck down and a general fight had commenced between the arresting party and the Mau police. It must be remembered that four of the arresting party were unarmed. It is impossible to determine the exact moment the first shot was fired, but the weight of evidence tends to show that it was fired just about the time of the arrival of the supporting party.

The next point of inquiry is to ascertain whether the police were justified in opening fire, and for that purpose I will examine evidence adduced before me relevant to the question.

I have already referred to the men called “ Mau police,” who marched along each side of the procession at intervals of approximately five paces, and most of whom were armed with batons of a substantial nature. There is no serious conflict in the evidence concerning this. The presence of these men was referred to by two of the witnesses who had been in the procession, from whose evidence I will make a few quotations :—

TANUVASA (under examination by Mr. Slipper).

Q. What was the reason of having Mau policemen alongside the procession ?—A. The reason why they carried batons was to prevent the Mau from stupid conduct.

Q. Was it to keep order in their own ranks ?—A. The reason of the batons was to prevent those uncontrolled young men of the Mau, and not to oppose the white policemen.

FAUALA (also under examination by Mr. Slipper).

Q. Is it correct that Mau police were placed along each side of the procession at intervals of five paces ?—A. Yes.

Q. What was the necessity for them to carry batons ?—A. Just for protection.

(Court) Q. Against what ?—A. Just the police—protection against guns, &c.

The interpreter then explained to me that he had made the suggestion of “ guns, knives, or things like that.” The question was again put, and the witness said, “ Please cancel what I have just said, it was wrong : I should have said, ‘ Protection against anything—drinking among the Mau ’ ; it was for the Mau.”

(Court) Q. What danger did you think existed on 28th December—the day of the procession—which would necessitate carrying batons ?—A. If any member of the Mau tried to break the peace the Mau policeman would use the baton on him.

(Mr. Slipper.) Q. Was it the purpose of the Mau police to prevent the Government police from carrying out their duties ?—A. No.

Whether the purposes of the Mau police were as stated by these two witnesses or not, the fact remains that as soon as it was apparent that the European police intended to effect an arrest of a person near the head of the procession the Mau