

High Chief Tuimalealiifano : I have already referred also to the high chief's evidence up to the time he told the Mau police to keep back the white police quietly, and will now quote from the note of his subsequent evidence :—

Q. Did you see any of the white police reach Matau ?—*A.* Yes, I think one or two.

Q. Did the constable do anything to him ?—*A.* I am not sure ; there was a general mix-up at the time.

Q. Did you see what happened to those constables ?—*A.* No, there were too many people between me and them. I was still standing there and kept calling out "Keep quiet." I called that out many times.

Q. To whom did you call out ?—*A.* To the Mau.

Q. Did many of the Mau policemen come up from the back when the white policemen tried to break through the ranks of the Mau ?—*A.* Yes, many of them ; I am not quite sure of the number.

Charles Hickey's evidence on this point I have already set out. He says there was a general mix-up between the time the police broke through the procession and the first shot being fired. He explains what he meant by a mix-up—people gathering together and hitting one another.

Simeaneva from Hellesoe's ground-floor veranda saw the Mau police marching along each side of the procession, but did not see them move up. She speaks of a general mix-up of the procession between the Ifi Ifi corner and Fabricius's store, just after the police broke through.

From the evidence of the witnesses I have referred to it is quite clear, whatever may have been the instructions of the leaders of the organization to the men who are called Mau police, a large number of that body rushed towards the head of the procession as soon as it was thought that the police intended to make an arrest, for the purpose of preventing them ; when the Mau police saw that the police were determined to do their duty they set on them with their batons. The position of the arresting party on the arrival of the supporting party was precarious, and, in my opinion, the use of firearms by the police was justifiable.

The effect of the fire by the police was to cause the Samoans to fall back from them. Sergeant Waterson says :—

Several shots were fired, and the Natives drew back about 20 to 30 yards in each direction. Just as Sergeant Fell was on his feet the supporting party were using its batons. There was a thick mass of Natives ; most of them had batons ; they were fighting the police. When the Natives drew back the police were in the middle of the open space ; Natives were on each side of them. Stones then came from both sides, more heavily from the western side. When the Natives drew back the police, to the best of my recollection, stopped firing. The stones came very thickly—thirty or more stones in the air at once : all sizes were used, but mostly stones which would go through a 3 in. or 4 in. mesh. I then realized that my men were likely to be hurt and would not have time to reload once they had emptied their revolvers. I could see the Natives were being reinforced, so I called on the men to get back to the station for their rifles and bayonets. We succeeded in getting back to the station. . . . I was able to fight my way along Beach Road. . . . We were stoned all the way to the station : the Natives followed us down Ifi Ifi Road.

Sergeant Waterson thought he had with him the whole police party, but he subsequently learned that four of the party retreated down an alleyway between Fabricius's and Andrew's stores—the alleyway in which Constable Abraham met his death. To that, however, I will refer later.

Sergeant Waterson's evidence is confirmed to some extent by Sua, from whose evidence I will again quote :—

Q. When there had been many shots fired, what did the Samoans do ?—*A.* Stones were thrown by the Mau at the police.

Q. Were any stones thrown before the firing ?—*A.* I do not know about that.

Q. Did you see any stones thrown before the firing ?—*A.* No.

Q. What did the police do when they stopped firing ?—*A.* They moved back.

It seems that the stone-throwing would not have commenced while the police were mixed up with the Samoans, and that the Samoans would have fallen back from the police when the firing started.