

up and handed the Samoan to two girls to look after. I will now quote from his evidence :—

Q. What happened next ?—*A.* I turned my attention to where the fight had taken place. I saw very few people there. The police were moving back towards the Ifi Ifi corner.

Q. Were they still firing at that time ?—*A.* Yes.

Q. At this time where were you standing ?—*A.* Just near to the bitumen on the sea side opposite Fabricius's store.

The witness's attention was then drawn to something in the alleyway between that store and Andrew's : but that will be referred to later.

In cross-examination the witness said that the Samoans were moving ahead of the police as the police were making their way to the Ifi Ifi corner, but some of the Samoans were trying to get round behind them.

Simeaneva speaks of seeing two policemen return along Beach Road. This witness was very confused, and her evidence at this point is not of assistance.

I have now reviewed the whole of the evidence which is relevant to what might be termed the first phase of the occurrence which resulted in the deaths of four Samoans whose bodies are the subject-matter of this inquiry. Although the evidence is not specific, I infer from it that Faumuina of Savai'i, Ainoa, Vele, and Leota lost their lives during the first phase. Their deaths were caused by gun-fire justifiably employed by the Samoan Police Force.

I will now deal with what I will call the second phase : the retreat by four of the police down the alleyway between Fabricius's and Andrew's stores—during which Constable William Abraham lost his life.

I have already quoted Sergeant Waterson's evidence in which he says that he ordered the whole of the police party to make its way back to the police-station. He thought that the whole party was with him, but found out subsequently that some of the police had retired down the alleyway previously mentioned, and that they reached the police-station by a different route—all except Constable Abraham, whose body was discovered later in the alleyway.

There seems to be some doubt as to whether these men went into the alley in consequence of Sergeant Waterson's order or whether they were driven there by the Samoans. Lance-Corporal Cahill, a member of the supporting party, says they were pressed back into the lane about three minutes after reaching the scene, and that they were stoned while there. I will quote from Cahill's evidence :—

While we were being forced down the lane I saw Constable Abraham behind a post in the lane. I was trying to dodge a stone. As I looked at him I saw him crumple up. His back was towards me, but I was under the impression that he was firing a revolver. There were a number of Samoans in front of him—they were throwing stones into the lane. I stopped when Constable Abraham fell ; I could not go back because the Samoans were too strong. I retreated with the others. I did not see Constable Abraham again.

In cross-examination Cahill said :—

When I saw Abraham he was facing the roadway. I do not know if he was shooting at the time he crumpled up. There was a heavy volume of stones being thrown down the lane. . . . When I returned to the barracks I heard an automatic gun fire from the balcony.

From this evidence and from the evidence of Charles Hickey, to which I will refer presently, it will seem that the Samoans made a heavy stone attack on the police in the lane. No evidence was given by any witness that the police fired back at the Samoans, but from the bullet-marks I examined in the paling fence on the eastern side of the entrance to the lane I would assume that revolvers were fired from it. In the circumstances detailed in the evidence I am of opinion that the police in the lane were justified in using their revolvers to enable them to effect their retreat.

The evidence shows that Constable Abraham was engaged in the fighting in Beach Road ; that he ran from the seaward side towards the inland side of the road, and while doing so was struck on the back of the head either with a small hammer or an axe. I will quote from Lance-Corporal Downes's evidence :—

I was standing with my back to Fabricius's store. I then saw Abraham double across from the seaside. As he was coming across a Samoan struck him with a small hammer or an axe on the back of the head ; he fell, but got up and joined me. The fight was general—every man for himself. Abraham opened fire with his revolver ; after that I missed him and did not see him again until after he had been killed.