

I infer from the evidence that Abraham was pressed back into the lane. It would appear from the deposition of Charles Hickey, which I will now quote, that Abraham was not killed at the time that Cahill saw him crumple up, but that he was able to stand up again. I have made extracts of Hickey's evidence up to the time he saw the police retiring along the Beach Road towards the Ifi Ifi corner and his attention was drawn to something else. The note then proceeds as follows:—

Q. What was it [to which your attention was drawn]? [N.B.—The words in brackets do not appear in the note].—A. A fight taking place in the alleyway between Andrews and Fabricius.

Q. How far from the alleyway would that be?—A. Two or three yards.

Q. Who was concerned in the fight?—A. One white policeman and a few Samoans—not more than twenty.

Q. What was the policeman trying to do?—A. To protect himself.

Q. In what way?—A. Shielding his face with both hands.

Q. What were the Samoans doing?—A. Knocking him.

Q. What with?—A. I could not see.

Q. Did you see them hitting him with their fists?—A. Yes.

Q. Did you see anything in any of the Samoans' hands?—A. No.

Q. What happened next?—A. The constable on the ground: he remained there. At the same time most of the Samoans moved away, leaving only five or six there.

Q. What were the five or six doing?—A. Some stood around him, some were knocking him.

Q. Did you see the policeman actually fall?—A. Yes.

Q. Did you see any other policeman in the lane?—A. No.

Q. Were the Samoans right across the alleyway?—A. Yes.

Q. In which direction did the Samoans go—I mean, who left the policeman?—A. On to Beach Road and towards the east.

Q. What did the five or six who remained do?—A. A young Samoan man wearing a *Mau lavalava* went up to them and told them to clear away. He said, "I am going to kill him."

Q. What did the other men do?—A. Just moved aside.

Q. What happened next?—A. A Samoan knecled beside the constable: I saw him hit the constable's head. I cannot say if he had anything in his hand.

Q. How many times did he hit the constable?—A. Once.

Q. What was the young man who said he was going to kill the constable carrying?—A. A stone. [N.B.—The witness indicates the size of the stone—about 6 in. long and 4 in. wide.]

Q. What did he do with the stone?—A. Hit the stone against the constable's head.

Q. Which part of the head?—A. The forehead.

Q. How many times did he hit the constable's head?—A. Once.

Q. What happened to the constable as he hit him?—A. I did not see.

Q. Did you see any blood about?—A. I saw blood splash as the young Samoan hit him with the stone.

After this the Samoans left the lane and Hickey then heard the machine gun open fire.

Now, the machine gun opened just at the time that Cahill reached the police-station. It will follow from this—coupled with the fact that Hickey saw no police in alleyway—that the happenings he deposed to therein occurred subsequently to the police making good their retreat over the fence on the inland end of the lane.

The evidence satisfies me that Constable Abraham met his death at the hands of the Samoans, who attacked him in the lane at a time when he was physically unfit to defend himself by reason of injuries received while performing his duties as a police officer.

I should add that I find from the evidence that Constable Abraham was not using his revolver during the final attack upon him. When his body was discovered it was seen that his revolver had been forced off its lanyard and taken away. Hickey saw a Samoan force off the leather revolver-holster from Abraham's equipment. This coupled with the fact that Abraham had both his hands in front of his face before he fell the last time leads me to the conclusion that his revolver was then in its holster, and was taken by the Samoan, together with the holster, at the time Hickey saw him force it off from the constable's equipment.

This completes what I may call the second phase of the occurrence.

The third phase of the occurrence can be said to have commenced after the police had returned to the police-station and when Sergeant Waterson opened fire with a Lewis gun.