

Whatever may be the instructions or requirements of the heads of the organization, a position has developed which has rendered very difficult the arrest of any member of the organization whether the arrest arises out of the non-payment of taxes or otherwise, and Samoans who are wanted for criminal offences have been kept safe from arrest by or under the authority of the leaders of the organization.

In two processions—similar to that proposed for the 28th December—held in June and in November of the same year—were men against whom warrants had been issued for criminal offences, but no police action was taken on those occasions.

When Mr. Kruse made his application to the Inspector of Police in respect of the landing at the Tivoli Wharf, the Inspector ascertained from him that a procession of members of the organization intended to meet the visitors.

The Inspector, apparently assuming that Mr. Kruse would be seeing the heads of the organization that day, told him to warn them that they must not bring any “wanted men” in the procession, because the police intended to arrest them if they were there. The Inspector also warned Mr. Kruse that there was bound to be resistance and trouble if an arrest was attempted.

Mr. Kruse told the Inspector that he was not the organization’s representative, and that it was not likely to listen to him.

However, Mr. Kruse went to Vaimoso and gave the late High Chief Tamasese the Inspector’s warning, to which the high chief said, “Very well, I will talk it over with the others to-night.” According to Mr. Kruse’s account of his interview with the high chief, he gathered the impression either that Tamasese took the Inspector’s message as of no importance at all, or that he appeared as if he intended to take no notice of it.

The evidence does not show that Tamasese conveyed the message to anybody except to High Chief Tuimalealiifano. This high chief, on hearing the purport of the message, said to Tamasese, “That is the best way—obey the message,” and thought from Tamasese’s reply that it would be obeyed. On the morning of the 28th December, Tuimalealiifano, at a meeting of the committee of the organization, reminded the committee that they were not to allow any wanted men to be in the procession.

In spite of the Inspector’s definite warning and High Chief Tuimalealiifano’s admonition, at least two men against whom warrants of arrest had been issued paraded in the procession—Matau Karauna and Autagavaia. Matau played in the band which led the procession and made himself conspicuous by wearing a felt hat.

The Inspector of Police having decided to arrest any wanted person who was in the procession, gave orders accordingly to Sergeant Waterson on the 27th December. That evening Sergeant Waterson detailed seven constables under Sergeant Fell to act as the arresting party, and a party of eighteen constables under Lance-Corporal Downes to remain at the police-station to be in readiness to support the arresting party in case of need.

Sergeant Fell divided his party into two; one, to comprise himself and three constables, who should perform the act of arrest, and the other to support the first in case of need. Those detailed for the act of arrest were to be without arms of any description; the three men detailed to support them and the eighteen men acting as supports to the arresting party were to be armed with revolvers and batons.

The Police Force standing orders in respect of the use of arms by the police are quite clear and comprehensive. I attach a copy of the orders to this verdict.

The “Lady Roberts” reached Apia Harbour somewhere about 6 a.m. on the 28th December, and was boarded by the Inspector of Police, the Chief Medical Officer, and the other officials who have duties to perform consequent upon the arrival of vessels from overseas.

At this time the procession of Samoans was on its way from Vaimoso to the Tivoli Wharf, and another procession was coming from the eastern side of Apia with the intention of converging with the Vaimoso procession at the wharf and returning with it to Vaimoso after the landing of the visitors.

An officer of police was stationed near the Customs House on the western end of Beach Road for the purpose of ascertaining if any men against whom warrants