

of arrest had issued were in the procession. At 6.15 a.m. a telephone message was sent from the Customs House to the police-station stating that Matau Karauna was in the procession and was playing in the band.

Sergeant Fell waited at the barracks, but sent on the message to Sergeant Waterson, who at that time was along Beach Road to the west of Ifi Ifi Street, waiting for the arrival of the procession from Vaimoso.

He met the procession when it reached the Market Place and walked along with it—on the inland side of the road—in the hope of being able to identify Matau Karauna. In this he failed.

Sergeant Fell heard the band coming towards Ifi Ifi Road, and moved the arresting party to the junction of that road with Beach Road, reaching there at the same time as the head of the procession.

Sergeants Fell and Waterson and the arresting party continued along with the procession on the inland side of it. This, according to Sergeant Waterson, made the members of the procession appear to become uneasy and the band to play out of tune.

A signal was given at this time by two men near the head of the procession which had the effect of causing the people known as “Mau police” to move up towards the head of the procession. The evidence shows that the procession was moving in the formation known as “column of fours,” but that on either side of the column at intervals of approximately five paces walked the men who are known as Mau police. They wear a distinctive dress and carry batons of a substantial character. Samples of these batons were put in evidence at the hearing.

The men who moved up on the inland side came between the arresting party and the procession. This appears to have happened in front of Andrew's store, and there the band stopped playing, halted, and turned towards the inland side of the road. The halt was only momentary, however, for almost immediately afterwards it recommenced playing and moved on towards the Tivoli Wharf.

During the momentary stop, and while the band was facing inland, Sergeant Waterson recognized Matau Karauna, the man who was to be arrested. The sergeant called out to Sergeant Fell and the arresting party, “That's him in the felt hat.”

Matau Karauna was in the last row but one of the band, and was on the seaward side of the procession; he was the only person in the band wearing a felt hat, and Sergeant Fell thinks he was the only one of that body who had a hat on at all.

As soon as Sergeant Fell recognized Matau he made a sharp move into the procession to arrest him, and succeeded in reaching him. Sergeant Waterson attempted to accompany Sergeant Fell but was held back by the Mau police.

Matau attempted to run away when he saw Sergeant Fell, but made no resistance once the Sergeant caught hold of him. The sergeant had just started to move Matau out of the procession when he received two blows on the back of the head, which caused him to fall to the ground in a semi-unconscious state and to lose his hold of the prisoner.

Sergeant Waterson was still held back by the two Mau policemen, and apparently, owing to his view being blocked, did not see Sergeant Fell struck; he next noticed him after he had fallen to the ground and was lying in what appeared to be an unconscious state. Then Waterson saw a Samoan strike at Fell with something in his hand.

This moment appears to be crucial—the moment when the situation changed and resulted in the ghastly and distressing consequences hereafter to be related.

Previously to Sergeant Fell being struck down there is no evidence to show that any member of the Police Force acted in any other than an ordinary and reasonable way necessary to effect an arrest.

It was suggested by counsel for the relatives of the deceased that Sergeant Fell should have presented his warrant to Matau and informed him that he was being arrested thereunder. The evidence satisfies me that such a proceeding would have been useless, and in the circumstances an improper discharge by the sergeant of the duty devolving upon him.

The police witnesses have stated the difficulties they have had to contend with in making arrests for the past six months: that would appear to be the obvious result of the instructions given by the committee of the Mau organization to its members and which were deposed to by the High Chief Tuimalealiifano.