

I will quote from the note of his evidence :—

Q. It has been stated that the police are resisted forcibly when they try to effect arrests : do you know if that is true ; and, if so, if that is in consequence of the instructions of the Mau ?—A. That is correct.

Q. Do I understand that the committee of the Mau gave instructions to its members to resist arrest ?—A. That is correct.

Q. Do I, then, understand that if the police had gone to Vaimoso to arrest Matau that the people of Vaimoso would have come to Matau's aid to prevent the arrest ?—A. Quite so : the instructions of the Mau were to resist the police from arresting a prisoner, but not with serious force : if the police succeeded they could have him.

It is true that the high chief said subsequently, in answer to Mr. Slipper, that the resistance directed was limited to arrests for offences arising out of the non-payment of taxes ; but I am satisfied from the evidence that during the last six months at least the members of the organization have extended the resistance beyond that class of case. Whether this is so or not, no part of any community has any moral or legal right to interfere with a police officer in the execution of a warrant, and if there is an organized persistent interference amounting to force it is inevitable sooner or later that serious consequences must result.

I have stated already that the crucial moment occurred when Sergeant Waterson observed Sergeant Fell lying on the ground in an apparently unconscious condition, and a Samoan in the act of striking him.

Sergeant Waterson was prevented from going to Fell's rescue by two Mau policemen. I will quote from his evidence :—

Next thing I saw of him (Sergeant Fell) he was lying on the ground, apparently unconscious. I saw a man striking at him while he was on the ground, with what I cannot say. I was still held by my two assailants. I say that the man who struck at Sergeant Fell as he lay on the ground had something in his hand. As I could not get past the two men who held me, I pulled out my automatic, took aim, and pressed the trigger, but the pistol did not fire. At this time I could see that the remainder of the arresting party were heavily engaged. I saw batons being swung. When my pistol failed, I pushed its butt into the face of the man who was holding me. He let go his grip. At the same time I knocked away the other man's arm.

This enabled Waterson to reach Fell, and to assist him to his feet. At this moment Lance-Corporal Downes, with the supporting-party, reached the scene. Downes had stationed himself at the corner of Ifi Ifi and Beach Roads, and when he saw the trouble which ensued on the arrest of Matau, he sounded a whistle : this was the prearranged signal that the supporting party was required. That party accordingly moved at the double from the police-station along Ifi Ifi Road into Beach Road and on to Fabricius's store, opposite which the fight between the Samoans and arresting party was taking place.

There has been a number of different versions concerning the firing of the first shot :—

Sergeant Waterson says the first shot was fired just as he succeeded in raising Fell to his feet.

Constable Cahill, a member of the supporting party, says he heard no shot fired before he reached the scene of the trouble.

Lance-Corporal Downes, who had the arresting-party in view from the time the trouble started until he reached the scene of it, says he does not know if any shots had been fired before his arrival.

Peter Fabricius, a boy of thirteen, who witnessed the commencement of the trouble, was unable to say how long it was after then that the first shot was fired. Firing had commenced before his father made him go inside the building for safety.

Sergeant Fell has a very hazy recollection of what happened after he fell to the ground, owing to the nature of his injuries, but he is definite that no shots were fired before he was struck.

Sua, a Samoan in the procession, who was subsequently wounded at the Ifi Ifi corner, was close enough to the band to see Sergeant Fell arrest Matau. He