

Christian Hellesoe, who was standing on his balcony, saw Tamasese fall just about the time that the machine gun opened. He saw three men rush forward at that time, and another burst of the machine gun was then fired: the three men, who were about a yard apart, fell—although the witness cannot be positive that the machine gun was actually firing at the time. I quite appreciate the difficulty of knowing what happened during a short burst of machine-gun fire: a burst of ten shots would not occupy more than a second.

Avea, a Samoan woman, who was in Ifi Ifi Road when the machine gun fired, said she saw Tamasese fall during the second burst, and Tu'ia and Migao during the third burst.

I have already stated that it was impossible for the burst fired down Ifi Ifi Road to have hit anybody, in view of the elevation from which the gun fired and the distance out into the harbour the strike of the burst was observed. The evidence of the witnesses I have just referred to does not show with any degree of certainty that any one fell during the first burst: indeed, it tends to show that nobody fell at that time. Sergeant Waterson, who fired the gun, did not see any one fall, and the nature of the wounds received was inconsistent with what would have been expected had they been caused by machine-gun fire.

The second burst, as I have already stated, was fired in the direction of the Market Hall, and went through the roof of that building at a height of 25 ft. above the ground.

The third and fourth bursts were fired from the eastern balcony of the police-station in the direction of Apia Village. Sergeant Waterson says he fired the third burst over Apia Village and the fourth (last) burst into the ground some 30 or 40 yards ahead of a party of Samoans.

Sergeant Waterson's statement that he fired in the direction of Apia Village is corroborated by Susana. She thought that two machine guns fired—one from the northern balcony and one from the eastern balcony. I am satisfied that the witness is mistaken in her statement that she saw two machine guns in action, and that her mistake arose through her seeing the same gun fire from two places. She is quite definite that she saw a machine gun fire from the eastern balcony in the direction of Apia Village.

There is no evidence that anybody was injured by the two bursts fired in the direction of Apia Village. Sergeant Waterson saw nobody fall, nor did the witnesses Popo and Liliu, who were in the village at that time, and who gave evidence concerning the movements of those members of the procession who were then in and near the village.

I have now reviewed the evidence material to the firing of the machine gun and find that it caused no casualties.

There is a sharp conflict of evidence concerning the necessity of firing the machine gun at all: indeed, I think that it is on this issue only that there is a conflict.

Sergeant Waterson, who is an experienced and capable police officer, of very cool temperament, was satisfied from what he saw that the police-station was being attacked from three directions, and was actually stoned from the east.

Evidence was given by witnesses which is inconsistent with Waterson's version; but after a careful consideration of the whole evidence I have no hesitation in accepting his account as representing the true condition of affairs at the time.

There is no doubt in my mind that a large number of excited Samoans were in Beach Road at the head of Ifi Ifi Road, facing the police-station. The actions of the late High Chief Tamasese would indicate this, and that he rushed in front of them to try to prevent them from making an attack on the police-station.

The consequent spectacle from the balcony of the police-station justified the sergeant's appreciation of the situation. Further, I accept his evidence as to the advance by the Samoans from Apia Village and from Beach Road between Hellesoe's and the Market Hall.

Waterson was in possession of a deadly weapon, the results of which when fired into a crowd of people is devastating. The weapon, however, is one which has a tremendous moral effect if fired over the heads of people. Being an experienced Lewis gunner, he was justified in firing the gun in the way he did for the purpose of causing by its moral effect the turning-back of those who were advancing towards the police-station. In this purpose he succeeded.

It now remains to account for the deaths of High Chief Tamasese, Tu'ia, Migao, and Tapu. So far as Tapu is concerned, I am unable to say in which place he