

## THE DAKABIN TRAGEDY.

### TUPICOFF DISCHARGED.

MARYBOROUGH, October 7.

The sittings of the Circuit Court were continued to-day before his Honour Mr. Justice Reel, when the case was continued in which Nicholas Tupicoff was charged with having wilfully murdered Teodor Makovetski at Dakabin on August 25. Mr. J. J. Kingsbury acted as Crown Prosecutor, Mr. H. F. Fahy and Mr. H. G. S. Morton appeared for accused.

Sarah Dunn, wife of Denis Dunn, a boarding-housekeeper, Wharf-street, Brisbane, gave evidence regarding accused's residence at her husband's boarding-house on August 25, accused introducing her to a friend of his. The photographs produced were those of his friend. The two then went out. At tea time accused said he had been out to Petrie. Witness asked him if he had got a job. He said, "No, go away." Accused had a time-table, and pointed to the word "Dakabin." He asked her what it was, and also what a.m. and p.m. meant. The latest she saw accused that night was 8 o'clock. He was then reading the time-table. Witness saw accused next morning at 8 o'clock. Her husband called him for breakfast. Witness said to him, "Nicholas, what do you think of this Russian murder?" He replied, "I don't know, missus," shrugged his shoulders, and walked away.

Ernest Hunt, a farmer, residing at Lawnton, deposed that he journeyed from Brisbane to Petrie on the night of August 25 by the mail train. Two foreigners were in the same carriage. They were sitting side by side. They differed a lot in build and complexion. Accused was the taller man. The two foreigners and he got out at Petrie.

Frederick Greenbury, railway night officer, stated that he was on duty at Petrie on the evening of August 25. The mail train arrived there from Brisbane at 11.15 p.m. Five trains left Petrie for Brisbane between that time and 8 o'clock next morning.

Ruby Knott, Margaret-street, Brisbane, deposed that accused visited her house about 9.30 p.m. on August 25.

John James Harris, director of the laboratory of microbiology and mythology, Brisbane, stated that he had examined a quantity of clothes submitted to him by the police. He had found no blood stains upon them.

Constable Charles Francis, stationed at Brisbane, gave evidence in regard to the position of the murdered man's body, and as to various tracks at the waterhole, where the iron bar and shovels were picked up. Witness took a cast of one of the tracks. There was a resemblance between the cast and the boots in court. The tracks in the cuttings could have been made by those boots. He had examined the boots of the dead man. They looked as if they had been dragged along the ground.

Mr. Fahy applied to his Honour to withdraw the case from the jury on the ground that there was not sufficient evidence against accused, or, in the alternative, that it would not be safe on this evidence for them to convict.

His Honour declined to withdraw the

evidence for them to convict.

His Honour declined to withdraw the case from the jury.

No evidence was called for the defence.

Mr. Kingsbury and Mr. Fahy addressed the jury, and his Honour summed up.

The jury retired at 4.35 p.m., and returned at 7.45 with a verdict of not guilty. Accused was discharged.