

CHARGE OF WILFUL MURDER.

THE DAKABIN TRAGEDY.

DEFENDANT COMMITTED FOR TRIAL.

Nicholas Tupicoff appeared, on remand, before Lieutenant-Colonel R. A. Moore, P.M., in the Central Police Court yesterday, charged with the wilful murder of Teodor Makovetsky on the night of August 25 or the morning of August 26. Detective Inspector O'Sullivan prosecuted.

Frederick Greenbury, night officer at the Petrie Railway Station, gave evidence that on Tuesday, August 25, the mail train arrived at his station at 11.15 p.m. There were four trains to Brisbane after this.

Joseph Barrett, a ganger in the employ of the Queensland railways, said he was working about half a mile from the Petrie Station. There were several men under witness's control, and the work they were doing at present was the duplication of the line. On August 25 last, between 3 and 4 o'clock in the afternoon, the defendant and another Russian passed the place where the gang were working, and the defendant spoke in a foreign language to a man named Sawl. The defendant and his companion then left together. The next day witness saw the body of the man who was with the defendant on the previous day lying in a cutting.

Dr. Leslie Dods, recalled, stated, in answer to a question by the defendant, that he could not tell how long Makovetsky had been dead when witness first saw the body. It was probably some time within 24 hours, but nearer 12. The man, in witness's opinion, was killed in the night.

Ruby Nott, residing in Brisbane, said that at about 9.30 p.m. on August 25 the defendant visited her, remaining for about five minutes. On August 27 witness again saw the defendant at the C.I. Branch.

Detective Constable Prentice stated that he visited the scene of the tragedy on August 26, and saw tracks leading to and coming from a swag and patch of blood. He followed the tracks for about 120 yards towards Petrie. From indications witness concluded that the body had been dragged from where it lay with the intention of placing it on the rails of the working line over which trains were passing. There was a deep part of the cutting where the swag and patch of blood were found. There were also signs of a struggle at that spot, and judging from the tracks witness concluded that the body had been carried for the first 122 yards to the nearest point of the junction of the working line with the new one, and then dragged another 22 yards to the lowest portion of the embankment, but even at that point there would be some difficulty in lifting the body up an almost straight embankment about 9ft. 6in. high. The ground in the cutting was of such a nature that it was impossible to take casts of the boot prints showing there. Witness saw similar boot prints at the water hole where the two shovels and iron bar were found. Witness took a cast of one of the boot tracks at the water hole which he produced in court. In witness's opinion

the boot tracks at the water hole which he produced in court. In witness's opinion the boot tracks at the water hole were made by the same boots that made the tracks which showed in the cutting and near the swag. The boot track at the water hole, of which witness took the cast, was made by a large size boot.

The Inspector: A large boot?—Yes, a particularly large size.

Continuing, witness said he examined the boots worn by the defendant at the time of his arrest, and in his opinion the track at the waterhole of which he took the cast was made by the defendant's right boot. The tracks showing in the cutting between the body and the swag could have been made by the defendant's boots, which were about size 10.

The Magistrate: Looking at the boots and the cast, is there anything which would particularly lead you to believe that the track you saw was made by the defendant's boot?

Witness: The wearer of the boot puts his weight on the outside, and on the cast this is also evident.

This closed the case for the prosecution.

The defendant, who reserved his defence, was committed for trial to the next Criminal Sittings of the Supreme Court, to be held at Brisbane on October 6.