

CHARGE OF MURDER.

THE DAKABIN TRAGEDY.

MARYBOROUGH, October 6.

At the sittings of the Circuit Court today, before his Honour Mr. Justice Real, Nicolas Tupicoff appeared on a charge of having wilfully murdered Teodor Macovetaki, at Dakabin, on August 25.

Sergeant O'Hara repeated evidence concerning a conversation with accused, as given in the lower court.

John Fleming, an engine-driver, gave evidence concerning seeing the body and giving information.

Constable John Greer deposed that on Wednesday, August 26, about three miles from Petrie, he saw a dead body lying on its back. He noticed that the throat was cut and partly covered by an ordinary wearing coat. He saw traces from a point 22 yards distant along the cutting as if a body had been drawn from that spot. Witness saw foot tracks to and from where the body lay along the cutting, and followed the tracks for 144 yards from the body. He there saw a swag, hat, and small pocket knife. There was a large quantity of fresh blood on the ground at the spot, and signs of a struggle. Some Russians identified the body as that of Teodor Macovetaki. He saw blood where two shovels and an iron jack handle were found on the opposite side of the line to where the body and swag were found.

By Mr. Fahey: There were a good many Russians working in that locality.

Colin Campbell, a railway lengthman, living at Petrie, deposed that on August 26, in company with Inspector Geraghty, he went to Dakabin and saw a body lying on its back.

It was stated in evidence that a post-mortem examination disclosed a lacerated wound above the left ear, and the skull was smashed. There were other wounds on the head, and the throat was cut from an inch in front of the left ear to an inch behind the right ear. The skull was fractured under the wound on the left side of the head, practically extending across to the other side and down to the base. On both sides the brain was lacerated. The opinion was given that the cutting of the throat took place last. The injuries to the head were sufficient to cause death, apart from the cutting of the throat. On the handle of one shovel there appeared to be blood and there were blood and hair on the iron bar. The hair on the bar was similar to that on the head of deceased.

Evan Evans, a railway ganger, gave evidence as to missing a shovel and jack handle on the night of the murder.

John Leyden, a labourer, identified one of the shovels as his, and said he remembered seeing accused and a shorter man in his company on August 25.

Joseph Barrett also gave evidence as to having seen accused and another shorter man, and arranging for them to start work next day.

Dennis Dunne, a boarding-house keeper, deposed that he saw accused on the night of August 25, between 7 and 8 o'clock. He did not see him again until next day at breakfast.

Martha Stoopachenko and Paul Stoopachenko also gave evidence.

Arthur Gambling deposed to having travelled to Bald Hills by the Northern rail train on the night of August 25, and having seen accused and a shorter man in the carriage, and heard them talking in a foreign tongue.

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The court adjourned until to-morrow.