

THE FATAL QUARRREL AT BRAYBROOK.

JAMES QUIRK COMMITTED FOR MANSLAUGHTER.

At the Footscray Court yesterday, before local justices, James Quirk, a man of about 60 years of age, was charged on summons with the manslaughter of Thomas Ryan at Braybrook on the 19th August. At the request on the deceased the coroner's jury returned a verdict of justifiable homicide. Inspector Webb prosecuted, and Mr. Smoock appeared for the defence.

Alexander Smith deposed that he was a printer, residing in Footscray. On Sunday, the 19th August, between 3 and 4 o'clock in the afternoon, he was riding along the Ballarat road in company with Mounted-constable Thyre. Near the accused's house at Koroit Creek, Braybrook, witness saw the accused, who called them over. They both went and saw Thomas Ryan on the ground, with his head covered with blood. Quirk told the constable and witness that Ryan had entered his house and asked for something. Quirk refused, and a scuffle ensued, in which Quirk knocked Ryan down. Quirk said Ryan fell against a piece of wood in a corner, and that he struck Ryan twice. Ryan got up, and he knocked him down again. The constable and witness then picked up Ryan, bathed his head, and bound it up. Ryan was unconscious at first, but he regained his senses. He said that Quirk had struck him with something, but he did not know what it was. Quirk also kicked him as he lay down. Quirk was excited, but quite sober. Ryan, at the fence, said that the affair was his fault, because he refused to go out of the house. He said he was not going to do anything in the matter. Ryan looked a strong, able man, in the prime of life.

Mary Ellen Ryan, widow of the deceased, deposed that her husband was a quarryman, 41 years of age. She went with the deceased to the hospital on the evening of the 19th August, and he died there ten days after from the effects of a cut on the head.

Mounted-constable Thyre, stationed at Footscray, deposed to the same effect as Smith as to the assault. Quirk said that Ryan struck his head against a wood-box in falling, when the former threw him down. The box was inside, and Ryan was lying outside. There were no marks of Ryan having been dragged to where he was found. Quirk refused the loan of a cart to take Ryan to the hospital. Ryan did not wish to prefer any charge whatever. He said it was his own fault, and he wished to let the matter drop.

Dr. Howell, of the Melbourne Hospital, deposed that, besides the injuries to the head, the deceased had bruises about the left elbow. The skull was fractured, which was the cause of death. The injuries would probably be caused by a down blow, not by a fall. There were no marks on the body as of a kicking. The deceased was physically an able man.

W. W. Clarke deposed that Ryan, when asked by the constable, said he would not do anything. The injury was his own fault. He was to blame, for he did not go out when Quirk ordered him out.

Marix F. Dickson, wife of the licensee of the Cricketers' Arms Hotel, Braybrook, deposed that she saw Ryan quite sober about 3 o'clock on Sunday afternoon, the 19th August. Quirk told her a few days afterwards that Ryan went into the house and sat down, and they shook hands. They had a conversation about religion, and quarrelled about it. Quirk advised Ryan to go to mass, saying that it would be better for him to go than to be losing about from one hotel to another on Sundays. Ryan misunderstood him, and jumped up and asked if he called him a loafer. A struggle ensued, and they both fell on the floor together, but Quirk did not, so he told witness, know whether he hit Ryan or not.

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The only evidence for the defence was that of John Quirk, son of the accused, who deposed that the reason the horse was refused to take the injured man to the hospital was that it was a bolter. The harness and cart were offered.

The accused was then committed for trial at the Central Criminal Court on the 15th inst., bail being allowed in his own surety of £50 and another of the same amount.