

An Adelaide Gaol Execution

Hadji Khan

Executed 5 April 1910

Early on the morning of 22 November 1910, it was reported to police that the body of an Afghan had been discovered at Frome Creek on the Birdsville Track just north of Hergott Springs (now called Maree).

When Mounted Constable McEwen, a justice of the peace, and black trackers arrived at the scene they found the bullet ridden body of 56 year old Said Mahomet.

That evening Mounted Constable McEwan arrested another Afghan, Hadji Khan, on suspicion.

Four days later a jury at the inquest into the murder returned a verdict of wilful murder against a person or persons unknown. The jury added a rider expressing the opinion that no alien should be allowed to carry firearms in this State.

Hadji Khan, who was present during the inquest, was immediately charged on suspicion of having murdered Said Mahomet.

The policy of racial exclusion, better known as the White Australia Policy, was at its peak in 1910. As soon as the new Commonwealth Parliament was established in 1901 it passed the Immigration Restriction Act. This required all 'coloured' people trying to enter Australia to submit to a medical examination and a dictation test. The test could be in any European language. In practice this meant dictation in any language of which the individual was ignorant.

Resident 'coloureds' were also required to apply for a special certificate to enter another state.

The 1902 Roads Act, which required that a license had to be obtained to run a camel carrying business, intensified this discrimination and a registration fee had to be paid for each camel.

The Naturalisation Act of 1903 required that applicants for naturalisation could not be natives of Asia, Africa or the Pacific Islands (although New Zealanders were exempted).

The policy of racial exclusion had the desired effect. In the twenty years from 1901 the number of Afghans fell from 393 to 147. Against a backdrop of such blatant racial discrimination, is it any wonder that the inquest jury were biased against aliens carrying firearms even though they failed to identify the murderer?

The trial of Hadji Khan opened Monday 7 March 1910 at the Port Augusta Circuit Court before the Chief Justice, Sir Samuel Way. The prisoner pleaded not guilty.

The Crown Prosecutor, Mr J R Anderson opened the proceedings by outlining the details of the case. Said Mahomet had gone into Hergott from his camel camp to make purchases. Khan had gone to his home to get a rifle and then shot Mahomet, dragging his body behind bushes and then shooting the victim through the eye to make sure he was dead.

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There were empty cartridge shells along the track which fitted Khan's rifle and marks of boots similar to those of the prisoner's had been found near the scene of the murder. The prosecutor also told the court that Hadji Khan had shown resentment and expressed jealousy against the deceased on several occasions.

Several witnesses were called for the prosecution, including a number of Afghans. They told the court of how a search had been organised for Said Mahomet when he was overdue from his trip into Hergott and how they found his body.

One Afghan camel owner identified a pair of tweezers that he had given the victim a few months earlier. The tweezers were amongst items found on the prisoner when he was arrested.

Hadji Khan's son, 8 year old John Achmet Mahomet Khan, told the court that when his father didn't join the search for the missing man he asked why. Hadji Khan replied, "Because I shot him. I'm afraid the police will get me. I don't want to go".

Dr Shanahan testified that he conducted the post mortem on the body of Said Mahomet. He found several bullet wounds but a bullet passing through the eye and into the brain had caused the death. The fatal shot had been fired at close quarters and left powder marks surrounding the wound on the right eye.

Mounted Constable McEwen had asked Khan for his rifle at the time of the arrest. Khan handed over a rifle in two pieces saying that it was unusable because a screw was lost. However Constable Bayley found a screw that exactly fitted the rifle near where the body was found.

Dr Angus Johnson identified bloodstains on Khan's boots and clothing as human, by using the newly discovered precipitation test.

No evidence was called for the defence but Khan made a statement denying his guilt and claiming that the deceased was his good friend.

The jury considered the case for an hour before returning the verdict of guilty. When asked if he had anything to say why sentence of the Court should not be passed on him, Khan said nothing.

The Crier of the Court called for silence as Sir Samuel Way passed the mandatory death sentence. He ordered that Khan be taken to the Greenbush gaol from whence he came and then removed to Adelaide Gaol where he be hanged by the neck until dead.

His Honour asked the jury if they would have reached the conclusion if expert evidence as to the blood stains had not been presented. The jury foreman replied that they would have reached the same conclusion but the expert evidence had strengthened their decision.

Hadji Khan was accompanied during his last few days in Adelaide Gaol by a Mohammedan priest, Mohamed Saloman from Hergott Springs.

On Tuesday 5 April 1910 at 8am Hadji Khan was hanged in the New Building at Adelaide Gaol and later buried in the north western section between the inner and outer walls.

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