

An Adelaide Gaol Execution

Hugh Fagan

Executed 16 April 1878

On the afternoon of 26 November 1877 Hugh Fagan alias James Lynch murdered Patrick Bannon at Saltia. Both men were working on the railway cutting through the southern Flinders Ranges when Fagan's shelter was burned down. Fagan angrily accused Bannon of starting the fire and was heard to threaten him several times.

Later that afternoon Bannon was found dead in the shade of a tree beside a creek. He had two massive head wounds which fractured his skull. The first person on the scene was a local butcher, James Hutchinson. Fagan said to Hutchinson, "I've done it! I've done it!" then he added, "You can have the axe now if you like." and handed him a bloodstained axe. Fagan was taken into custody by Trooper Shirley who was called from Port Augusta.

Several witnesses appeared for the prosecution at Fagan's trial. One told the court that Fagan had borrowed the axe from a storekeeper saying he wanted to build another place to sleep. The storekeeper's son, who had given Fagan the weapon, then saw him deliver the fatal blows as Bannon was sleeping.

At the conclusion of the trial neither the prosecution nor the defence counsel chose to address the jury. The judge, during his summing up, advised the jury that the evidence was not challenged by the defence and there appeared to be no provocation for the act.

After deliberating for 15 minutes the jury returned a guilty verdict. When asked the customary question if he had anything to say before the verdict was handed down, Fagan merely criticised his defence counsel for not asking the age of one of the young witnesses.

The mandatory death sentence was passed and the judge added that there was nothing whatever in the evidence which would justify even the slightest hope of mercy. Fagan showed no emotion and was removed from the court.

During his incarceration, Sister Mary MacKillop, who was a regular visitor to the Gaol, prayed with Fagan but she was refused permission to accompany him to the scaffold.

On the morning of 16 April 1878 Fagan's last request for a glass of ale and a pipe before his execution was granted. While being led from the condemned cell to the portable gallows in the north west lane he started a quick walk and when checked by the warder said with a curse that he wanted to get the thing over.

As he was placed on the drop Fagan swore at Benjamin Ellis, the hangman, and directed him where to place the knot. The bolt was drawn and Fagan fell to his death.

At the age of 59 years Fagan was the oldest person to be hanged in South Australia.

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