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RESEARCH ARTICLE



'A rifle lying across her arm': the suspicious death of 13-year-old 'half-caste' Cissy Brennan

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ABSTRACT

This article explores the death of 13-year-old 'half-caste' Cissy Brennan in far north Queensland in 1910. The entangled accounts of police constables, the Government Medical Officer, family and community members, and news reports, reveal how these narratives are buried deep within the coronial structures and colonial discourses of the inquest file. The article argues that the witness testimonies in the magisterial inquiry, including the findings of the police constables, and Government Medical Officer, became the dominant narrative in writing about Aboriginal female bodies within coronial law, creating a flawed and fragmentary historical account.

KEYWORDS

Aboriginal children; half-caste; inquest; colonial history; suicide

Warning

Aboriginal and Torres Strait Islander peoples should be aware that this article discusses a traumatic Aboriginal death within archival records and includes the name and voice of an Aboriginal girl who has died.

On 22 August 1910, 13-year-old 'half-caste'¹ Cissy² Brennan was found dead at Paton's Well, about three miles (4.8 kms) from Tweedside in the police district of Georgetown, far north Queensland. She had been shot and the cause of death was a bullet wound to the head. The suspicious circumstances surrounding Cissy's death

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¹The *Aboriginals Protection and Restriction of the Sale of Opium Act, 1897* (Qld) no.17 defines "'Half-caste" [as] ... Any person being the offspring of an aboriginal mother and other than an aboriginal father, ... [as distinct from an "Aboriginal"]'. In this article the blood quantum term 'half-caste' is written in single inverted commas when referring to historical definitions of Aboriginal peoples, and used without inverted commas when it is quoted in-text.

²See 'Cissy Brennan Inquest', Queensland State Archives (hereafter 'Inquest', QSA), Item ID ITM3830167, Item Representation ID PR4058014. The name Cissy Brennan is spelt as Cissy in her Certificate of Particulars – Inquest of Death but is also spelt Cissie in the witness testimonies in her inquest file. Cissy's inquest file contains: an inquest summary (3 pages); certificate of particulars (2 pages); the inquiry into her death including witness testimonies (67 top numbered pages); Dr Money's post-mortem examination (Exhibit 1, 2 pages); photo of Cissy's dead body (Exhibit 4); photo of location where Cissy's body was found (Exhibit 5).

are articulated within news stories, police reports and medical findings at her inquest, as well as in the magisterial inquiry and six witness testimonies given as part of the coronial investigation. An analysis of the documentation investigating Cissy's death, that situates her as both alive (as captured through present tense) and deceased (through others' statements about her), raises significant questions about the evidence that was gathered. By examining what was published, what was withheld, and who was given the chance to speak, many issues, flaws, and errors in the investigation of her suspicious death can be exposed. This article argues that the overlapping narratives of the several agents who reported on Cissy's death reveal a number of gaps, absences, and silences within her inquest. Drawing on accounts from both news reports and the coronial investigation, including witness testimonies, it shows how colonial imaginings of 'half-caste' girls in Queensland were entangled with the process of investigating a suspicious death, producing a questionable and incomplete account.

Coronial investigations into suspicious deaths during the early twentieth century in Queensland followed a particular process that included documenting the details of the deceased in a Certificate of Particulars. Based on the *Inquests of Death Act 1866*,³ the certificate recorded the following information after an inquest was conducted by a Police Magistrate or Justice of the Peace:⁴ name of deceased, their profession, identifying features, when and where they were found including date of death, the last person(s) they were seen with, and the names and personal details of witnesses, as well as any suspicious circumstances surrounding their death, and the supposed cause of death including if anyone was accused.⁵ However, the inquest had a dual focus as both a coronial and colonial document. As Finnane and Richards argue in their examination of Aboriginal deaths in colonial Queensland, the inquest as 'an ancient institution of the common law' sought to explain suspicious deaths, but 'in colonial conditions was an ineffective medium of accountability ... where the completion of dispossession and securing the boundaries of the Empire was the first task of government'.⁶ In many rural areas, like Georgetown, the local police constable was responsible for investigating a suspicious death and examining the dead body if a doctor was not available. In her examination of coronial investigations in rural Queensland, Lee Butterworth describes that rural policemen were subjected to 'rigorous demands on their time, skills and labour', and on top of their usual duties they were often 'called on to investigate the circumstances surrounding any violent, suspicious or unnatural death reported to them'.⁷ Cissy's extensive inquest file in the Queensland State Archives includes her Certificate of Particulars as well as police and medical officer's reports, six witness testimonies provided by those who were with her before death, and the Police Magistrate's

³The *Inquests of Death Act of 1866*, 30 Vic., no. 3.

⁴See Lee Butterworth, 'What Good Is a Coroner? The Transformation of the Queensland Office of Coroner 1859–1959' (PhD thesis, Griffith University, 2012), 141.

⁵Ibid. Butterworth notes that 'magisterial inquiries conducted by a police magistrate ... did not require a jury ... [and] the use of police magistrates to investigate sudden death represented the intrusion of state authority into the community'.

⁶Mark Finnane and Jonathan Richards, "'You'll Get Nothing Out of It?': The Inquest, Police and Aboriginal Deaths in Colonial Queensland', *Australian Historical Studies* 7, no. 123 (2004): 105.

⁷Ibid., 91. 'The inquest was activated by a request of two persons in writing, or by the police': Finnane and Richards, "'You'll Get Nothing Out of It?': 87.

finding that no one was accused of her death.⁸ Framing the inquest file within these boundaries of race and gender enables the archival record to be read as a construction of colonial knowledge – both real and imagined – and reveals the inconsistencies, misinformation, and anxieties inherent within the building of a settler nation.

The newspaper stories of Cissy Brennan's death

On the first day of Cissy Brennan's magisterial inquiry – Thursday 25 August 1910 – multiple newspaper reports were published. The first of six news articles published in the *Bundaberg Mail and Burnett Advertiser* included a report on page two titled, 'Found Dead – Little Half-Caste's Fate' and claimed: 'Tom Brennan reported to the police at Charleston⁹ that he had found the body of a half-caste girl about thirteen years of age – his daughter named Cissy Brennan in a sandy creek about ten miles from Charleston with a bullet wound through her head and a rifle lying across her arm'.¹⁰ Also, on 25 August, under the heading 'Half-caste girl's body found', the *Brisbane Courier* reiterated the same details, that she had been found 'with a bullet wound through the head and a rifle lying across her arm'.¹¹ The same day, the *Cairns Post* published a near-identical report on Cissy's death titled 'Tragedy Near Charleston – HALF-CASTE GIRL SHOT', but referred to Tom Brennan as 'a well known man' and made clear the location of Cissy's death as Sandy Creek, not a sandy creek.¹²

The most sensationalist news report published on 25 August came from the *Bendigo Independent*, a Victorian newspaper, which included the same key details about Cissy's death but under the provocative headline, 'MURDER OR SUICIDE'. Although no further details were provided, this was the first time the suggestion of suicide was mentioned about her death. Confusingly, the article reported that it was 'news ... received from Germanton' rather than Georgetown, and referred to a generic sandy creek not Sandy Creek, as the place where Cissy's body was found.¹³ On Friday 26 August, however, the *Charters Towers Evening Telegraph*, published an article titled, 'GIRL FOUND SHOT. SUPPOSED MURDER AT CHARLESTON' reiterating that someone may have shot Cissy. As with the other news reports it stated: 'The police are now investigating the matter, but no medical examination or post-mortem has yet been held. Mr. Warden Hishon, Georgetown, leaves to hold an enquiry.'¹⁴ The phrase 'supposed murder' was yet another explanation for Cissy's

⁸Inquest', QSA. Cissy's Certificate of Particulars – Inquest of Death states: 'Accused: Nil.'

⁹The largest mining field in North Queensland, covering nearly fifteen thousand square miles, was the Etheridge, still under-developed at the turn of the century. Its principal towns were Georgetown and Charleston': K.H. Kennedy, ed., *Readings in North Queensland Mining History Volume 1* (North Queensland: James Cook University Press, 1980), 288. The town of Charleston was located approximately 25–30 miles south of Georgetown: 'Etheridge Goldfield, Georgetown to Charleston. No scale or publication details given', QSA, Item ID ITM633993, Item Representation ID DR96326.

¹⁰'Found Dead – Little Half-Caste's Fate', *Bundaberg Mail and Burnett Advertiser*, 25 August 1910, 2, <http://nla.gov.au/nla.news-article216881868>.

¹¹'Half-Caste Girl's Body Found', *Brisbane Courier*, 25 August 1910, 4, <http://nla.gov.au/nla.news-article19652491>.

¹²'Tragedy near Charleston – HALF-CASTE GIRL SHOT', *Cairns Post*, 25 August 1910, 5, <http://nla.gov.au/nla.news-article39869474>.

¹³'MURDER OR SUICIDE', *The Bendigo Independent*, 25 August 1910, 6, <http://nla.gov.au/nla.news-article227166218>.

¹⁴'GIRL FOUND SHOT. SUPPOSED MURDER AT CHARLESTON', *Evening Telegraph*, 26 August 1910, 2, <http://nla.gov.au/nla.news-article212794612>.

death, and it may have been intended to either call police to action and/or to attract attention as a sensational headline.

More details emerged in the press on the following Monday 5 September, when the *Cairns Post* published a story titled 'HALF-CASTE GIRL SHOT'.¹⁵ In this follow-up from their first report on 25 August, the paper advised that Jack Johnson, Cissy's white stepbrother, would be a key witness in the case. Further, this was the first story to disclose the availability of a medical report and addressed various concerns regarding guilt and innocence, informing readers that:

Medical examination by Dr Money, of Einasleigh, shows the weapon [a Winchester repeating rifle] must have been held in the mouth, the bullet having entered in the roof of the mouth and passed through the upper back portion of the head. The examination found no signs of foul play and the children appeared to be on the best of friendly terms ... The taking of evidence has not yet been completed, but it is thought nothing further of importance will be forthcoming as there were absolutely no signs of a struggle or marks of violence having been used either on the body or face.¹⁶

It was implied that the only plausible cause of death was suicide. Identifying Cissy as 'half-caste' was a major theme of the journalistic coverage surrounding her death; four out of the six stories included it in their title. Additionally, all six accounts contained the same details: a 'half-caste' girl was discovered with a rifle lying across her arm and a bullet in her head. The way Cissy's death was framed in these news reports reflected colonial perceptions of Aboriginal females as the inevitable victims of a fading race. However, examination of the evidence as recorded in Cissy's Certificate of Particulars from the police report and medical officer's report, including the post-mortem examination of her body, reveals a more complicated story.

Evidence presented by the police magistrate, police constables and the government medical officer

The person appointed to conduct Cissy Brennan's inquest was the Mining Warden and Police Magistrate in Georgetown, Mr Patrick Maslin Hishon. As Mining Warden, Hishon was responsible for monitoring activities on both mining and goldfields, including making 'recommendations or decisions regarding the acceptance or rejection of mining applications and leases, miner's homestead leases, forfeitures, breaches of agreement and exemptions regarding the same'.¹⁷ He had full jurisdiction over mining but was also responsible for a range of roles in the community. Pugh's 1905 Almanac lists Patrick Maslin Hishon as 'Police Magistrate, Warden, Acting Land Commissioner, and Land Agent, District Registrar, and High Bailiff'.¹⁸ As the role of investigating a suspicious death was conducted by a Police Magistrate in the absence of a Justice of the Peace (JP), Hishon would be responsible for conducting the

¹⁵'HALF-CASTE GIRL SHOT', *Cairns Post*, 5 September 1910, 4, <http://nla.gov.au/nla.news-article39876646>.

¹⁶*Ibid.*

¹⁷'Mining Warden, Ravenswood', Magistrates Court, QSA, Agency ID A2368.

¹⁸Pugh's (*Queensland*) *Official almanac, Directory and Gazetteer*, 31 December 1909, 788, <https://nla.gov.au/nla.obj-3037984374/>. See also W.R.O. Hill, *Forty-Five Years' Experiences in North Queensland, 1861 to 1905* (Brisbane: Pole & Co. Printers, 1907), 101, who emphasises these multiple duties of a magistrate.

magisterial inquiry into Cissy Brennan's death with Sub Inspector Quinn, as the senior police officer involved, overseeing the investigation itself.

The evidence presented in Cissy's inquest, captured in police and medical reports, including the Police Magistrate's findings, clearly positioned her as a 'half-caste' victim in a white world.¹⁹ By means of their interpersonal relations with white men, women, and children in the affective space of the household, 'half-caste' girls played an important role in the colonial dream of whiteness, through a bleeding out of their blackness.²⁰ Described as a 'half-caste' in both news stories about her death and in the witness testimonies in her file, Cissy's mixed identity was something to be feared within the Queensland landscape.²¹ Raymond Evans discusses the anxiety over miscegenation as a 'terror of degenerative diseases, principally syphilis (for which there was no effective cure), and of "degenerating" sexual intermixings, which produced both "defectives" and "half-castes"'.²² Living with her white father and his white partner and her son, not her Aboriginal mother, Cissy was labelled a 'half-caste' girl but expected to be or act white.²³ Passing as white was the settler expectation for 'half-caste' children as a process of 'acting as and to a white; who accepts your identity as being "white" and treats you accordingly'.²⁴ However, as is evident in the coronial investigation and magisterial inquiry into her death, Cissy's Aboriginality still positioned her as black and therefore a threat to white sensibilities.²⁵ The documents produced for these colonial legal processes – to record facts about her life and construct a story about her death – sought to define and contain her. As Natalie Harkin argues, "The archive is at odds with itself, functioning through a paradoxical logic. It is both sacred space *and* colonial object; it drives us to both recover *and* preserve the past; it protects *and* patrols, regulates *and* represses".²⁶ This emerges in the multiple narratives in Cissy's inquest file, primarily those of the police constables and doctor, who provided key evidence in her coronial investigation.

As reported at the inquest held into her case, Cissy Brennan was born on 21 December 1896 at Stirling Station near Normanton and lived in Georgetown with her white father, Thomas Brennan, his new white partner, Mary Ellen Johnson, and her son, Jack. Brennan and Johnson provided this testimony about Cissy's life.²⁷

¹⁹Cissy Brennan lives in a white family, yet her Aboriginality is expressed in her inquest file through multiple references to her as 'half-caste'.

²⁰Anna Haebich reminds the reader that, 'Indigenous bodies already engraved with cultural signs that bestowed meaning, identity and belonging were reinscribed with new marks of civilisation': Anna Haebich, 'Marked Bodies: A Corporeal History of Colonial Australia', *Borderlands* 7, no. 2 (2008): 8.

²¹*The Aboriginals Protection and Restriction of the Sale of Opium Act, 1897* (Qld) no. 17, stated a "Half-caste" [as being] ... Any person being the offspring of an aboriginal mother and other than an aboriginal father, ... [as distinct from an "Aboriginal"]'.

²²Raymond Evans, *Fighting Words: Writing about Race* (St Lucia: University of Queensland Press, 1999), 117.

²³See Tahlia Eastman, 'Passing in Plain Sight: Reclaiming Narratives of Hidden Aboriginality', *AlterNative* 19, no. 1 (2023): 137.

²⁴Darlene Johnson, 'Ab/originality: Playing and Passing Versus Assimilation', *Bulletin* 5, no. 2 (1993): 21.

²⁵Katherine Ellinghaus highlights the point that, 'Interracial relationships were both a source of anxiety about racial purity and a means through which the demise of the Aboriginal population could be imagined': Katherine Ellinghaus, 'Absorbing the "Aboriginal Problem": Controlling Interracial Marriage in Australia in the Late 19th and Early 20th Centuries', *Aboriginal History* 27 (2003): 186.

²⁶Natalie Harkin, 'The Poetics of (Re)Mapping Archives: Memory in the Blood', *Journal of the Association for the Study of Australian Literature* 14 (2014): 10.

²⁷Testimony of Thomas Brennan, 'Inquest', QSA, Item ID ITM3830167, Item Representation ID PR4058014, 5; Testimony of Mary Ellen Johnson, 'Inquest', QSA, 45.

Georgetown, a small community in the Etheridge Shire, was primarily made up of white miners and had a troubled past that included occasional conflicts with local Aboriginal people in earlier decades. It was well known for mining quartz and other minerals, and its surrounding areas provided opportunities for gold prospecting.²⁸ During the early years of mining in Georgetown and surrounds, miners were met with resistance from the local Ewamian people²⁹ and had to prospect in large parties to avoid being driven out of towns.³⁰ It was in the context of such long-standing Black/white tensions in the region that Cissy's inquest took place.

The magisterial inquiry into Cissy's death commenced on 25 August in Georgetown under the watchful eye of Police Magistrate Patrick Maslin Hishon.³¹ Sub Inspector Quinn conducted the inquiry, which opened with a post-mortem examination by Dr Percy Frederick Money, which was handwritten on 'New Charleston Hotel' stationery.³² Cissy's file, with its present-tense narrative, takes us to that day. Her death investigation began with Justice of the Peace J.E.B.'s inquest summary:

On the 22nd of August a half-caste girl named Cissy Brennan met her death at Paton's well, The Forks, Georgetown, 3 miles from Tweed Side. The girl, it appears, has lived with her father Thomas Brennan since a baby. ... There is no evidence of neglect or ill treatment.³³

The Police Magistrate then summarised his findings, describing the events of the day on which Cissy died. On the morning of the 22 she was sent with her 12-year-old white stepbrother, Jack, to the well to catch a horse. She was then expected to return to camp while Jack collected some parcels and items from town. Later that morning a local Tweed Side Battery miner, Charles Camp noticed that his rifle was missing, as he wanted to clean it. After seeing Jack with the gun, Camp approached him and took it back. Jack was extremely nervous returning the rifle and bullet cartridge and, in his defence, told Charles Camp that Cissy took it. The Police Magistrate continued his summary, stating that when Cissy had not returned home later that day her father went to the well to water the horses and discovered her body lying south of the well. Brennan stated: 'The body was lying on its back, head well back. Both arms were well out from

²⁸North Queensland historian, Geoffrey Bolton mentions that 'Georgetown, twenty miles east of the Cumberland, remained the chief centre of the Etheridge, as although deplorably backward in mechanization its mines were productive and plentiful, and it had the best water supply in the district': G.C. Bolton, *A Thousand Miles Away: A History of North Queensland to 1920* (Canberra: Australian National University Press, 1970), 114.

²⁹The Ewamian People are the Traditional Owners of an area of north-western Queensland extending over the Gilbert and Einasleigh River catchment areas including Georgetown, Mount Surprise, Forsayth and Einasleigh: Ewamian People Aboriginal Corporation RNTBC, accessed 17 August 2023. <https://www.ewamian.com.au/>.

³⁰This is shown in the following account, which occurred only 20 years before Cissy was born: 'In 1873 a group of Walshtown miners attempted to establish friendship with local Aborigines. The only armed white man lay down his rifle in a conciliatory gesture, but the miners were soon after driven back to the settlement, suffering two fatalities including one of the battery owners.' See 'Henry Williams Inquest', QSA, Item ID ITM2722762, Item Representation ID DR110916, 2 of 9: 'Magisterial Enquiry touching the death of one Henry Williams who was speared by the blacks at Walshtown Etheridge Gold field on Sunday the 17th day of August 1873.'

³¹In a criminal trial, Katherine Biber states, 'The laws of evidence enable us to tell stories within agreed rules. ... And the artefacts of evidence – exhibits, documents, witnesses – provide the props and the protagonists': Katherine Biber, *In Crime's Archive: The Cultural Afterlife of Evidence*, (London: Routledge, 2018), 4.

³²Dr Money's Post-mortem Examination Report, 'Inquest', QSA, Item ID ITM3830167, Item Representation ID PR4058014, Exhibit 1, 2 of 2.

³³'Inquest', QSA, Inquest summary, opening 3 pages, 1.

the body ... The dress was down to her knees, and did not seem to have been torn or disturbed. ... It was about 5 o'clock ... [and] the body appeared to have been dead about 4 or 5 hours'.³⁴ Brennan believed Cissy had not been murdered but that she accidentally shot herself.

Additional information about Cissy and her relationship with Jack Johnson is disclosed in Hishon's notes in her file. His comments reveal details of what Jack knew that day and confirm that he was the last person in communication with Cissy before she was found dead. One of the key pieces of information about her that Jack offered in his testimony was that they often used to see a young man at the well. When he was recalled he also stated: 'Ciss use to meet the man every day at the well; she use to go to the well every day – the last time she met him was five days before she died'.³⁵ When Brennan was recalled and asked about the young man, he stated that he knew about a tall young man who helped Cissy one day at the well but did not know who he was.³⁶

Two constables were engaged to investigate Cissy's death.³⁷ The first was Constable John William Johnson of Charleston, who was informed about Cissy at 7.30 pm on the night of her death, after it was reported to him by Brennan. Constable Johnson was well known in Charleston for his ability to catch cattle thieves by using skilled Aboriginal trackers.³⁸ Constable Johnson began his testimony, taken on 1 September 1910, with Brennan reporting his daughter's death. He recalled Brennan stating: 'it is either accident or murder'. Constable Johnson stated that he then joined Constable Hyde and the black tracker, Spider, to investigate the scene at the well. After arriving at 9 pm, Constable Johnson says he had 'placed Constable Hyde and tracker in charge of the body ... I just viewed the body as it lay there'. He then discussed seeing the three Tweedside miners some distance from Cissy's body, and recounted talking to the boy, Jack, who he questioned about the morning of 22 August 1910.³⁹

It was during this recounting of his conversation with Jack that an explanation for the absent rifle and bullet from the scene of Cissy's dead body was provided. According to Constable Johnson, Jack stated:

I saw Ciss lying down near some bushes. I picked up the rifle and took a bullet from her right hand ... and carried the rifle up to the Battery. Then close to the Battery I saw Mr Camp in the creek ... the little creek that runs in below the Battery.⁴⁰

After Jack had returned the rifle and bullet to Charles Camp, Constable Johnson questioned him about the gunshot: "Weren't you there when the shot went off." He [Jack] replied, "No." I said, "Didn't you hear the shot." He replied, "No".⁴¹ It is Constable Johnson who photographed Cissy's dead body and the body's position in

³⁴Ibid.

³⁵Jack Johnson Recalled, 'Inquest', QSA, Item ID ITM3830167, Item Representation ID PR4058014, 43.

³⁶Thomas Brennan Recalled, 'Inquest', QSA, 41–42.

³⁷Margaret Kowald explains that 'General police duty covered a multitude of tasks. The most time consuming were investigating complaints and mediating in disputes': Margaret Kowald, 'Queensland Police at the Turn of the Century. Memoirs of the Queensland Museum', *Cultural Heritage Series 2*, no. 2 (2002): 256.

³⁸Ian Townsley, *Friends of the Queensland Police Museum – Friends' Gazette – 2nd Quarter Edition*, (2019), 10, <https://www.friendsqpmuseum.com.au/wp-content/uploads/2019/06/Friends-Gazette-no-2-of-2019-Jun-19.pdf>.

³⁹Testimony of Constable John William Johnson, 'Inquest', QSA, Item ID ITM3830167, Item Representation ID PR4058014, 54–55.

⁴⁰Ibid., 55–56.

⁴¹Ibid., 56.

its surroundings, and these photos comprise exhibits four and five in the magisterial inquiry. In these photographs, a notable absence becomes apparent. The rifle, which was reported to have been resting on Cissy's arm, is nowhere to be found. This discovery raises a perplexing contradiction with the earlier accounts detailed in the newspapers where three days following her tragic death it was explicitly stated that Cissy was found with 'a rifle lying across her arm'.⁴²

The day after Cissy's death, Constable Johnson examined her naked body. Her body had been left *in situ* overnight under the close supervision of Constable Hyde and the black tracker. After exploring the location in which she was found, Constable Johnson undressed Cissy's body to conduct a physical examination to establish if there were any signs of violence. This included inspecting her body internally for evidence of sexual activity.⁴³ Constable Johnson's findings were summarised in the following statement:

I stripped the body and examined it ... and could find no marks or any evidence of violence. I examined the virginia [vagina] and found no evidence of violence or the presence of any fluid. There was a discharge of excrement from the rectum. The only evidence of violence was on the crown of the head and inside of the mouth – the result of the bullet wound. ... I am of opinion that deceased was in a sitting position at the time of the explosion in her mouth.⁴⁴

He assessed that the head and mouth were the only parts of Cissy's body that displayed any signs of violence, a finding that was also verified by Constable Hyde's testimony.

Constable Hyde, the second Charleston police officer to investigate Cissy's death, gave his sworn testimony when the case continued on 20 September. Constable Hyde reiterated statements made by Constable Johnson and had stayed with Cissy's body overnight, as directed by Constable Johnson, 'to prevent anything from coming about the body or anyone interfering with it'.⁴⁵ The testimony provided by the constable raises concerns about the positioning of Cissy's body and the presence of a bullet cartridge considering Jack's whereabouts at that particular moment.

To the south of the body when looking for tracks, I found an empty cartridge .44 cal. shell. ... I found it in a small gully about 50 yds south of the body; and on the bank of the gully. I saw a bare footed track, which I afterwards ascertained corresponded with the foot of the boy Jack.⁴⁶

Despite discovering the bullet cartridge, when the constable examined Cissy's body he concluded that clotted blood on her nostrils, cheek, and ears, and a wound in her mouth, including 'blood on the thumb and first two fingers of the left hand'⁴⁷ indicated that Cissy had shot herself; that 'it may have been self inflicted'.⁴⁸ This tentative

⁴²For example, 'Found Dead – Little Half-Caste's Fate', *Bundaberg Mail and Burnett Advertiser*, 25 August 1910, 2, <http://nla.gov.au/nla.news-article216881868>.

⁴³Medical practitioners lobbied for the abolition of the office of coroner, claiming the police magistrate and justices of the peace were capable of investigating suspicious deaths': Butterworth, 'What Good's a Coroner', 26.

⁴⁴Testimony of Constable Johnson, 'Inquest', QSA, Item ID ITM3830167, Item Representation ID PR4058014, 61.

⁴⁵Testimony of Constable Michael Hyde, 'Inquest', QSA, 64.

⁴⁶*Ibid.*, 66.

⁴⁷*Ibid.*, 65.

⁴⁸*Ibid.*, 67.

conclusion corroborated, of course, evidence provided by Constable Johnson, Brennan, and Jack, that she had died as the result of a gunshot wound for which no one was suspected.

Nonetheless, the uncertainty regarding Cissy's death, brought to light by this newly discovered and distantly-located cartridge shell, shifted the attention towards Camp's rifle and consequently raised further suspicions regarding the identity of the individual responsible for pulling the trigger. The 'qualified medical practitioner and surgeon of the Einasleigh Hospital',⁴⁹ and district Government Medical Officer (GMO), Dr Percy Frederick Money who also examined Cissy's body found the 'cause of death evidently resulted from destruction of the brain, the result of an explosion within the mouth of a firearm, all bones of face and skull being shattered' but added that 'very little, if any mischief, appeared externally'.⁵⁰ For a post-mortem examination to take place, Cissy's body had to be exhumed four days after burial, by which time the body and brain were considerably decomposed. The focus on whether Cissy had been sexually promiscuous or sexually assaulted before her death, as suggested by the comments in the very first examination of her body, is confirmed by Dr Money who also stated:

The vulva showed no sign of recent violence ... but decomposition had destroyed all traces of hymen labia minora if such were present at the time of death. ... So far as I could ascertain no signs of violence appeared on the body.⁵¹

The crossed-out word 'recent' in the report indicates uncertainty regarding sexual activity. However, since the autopsy took place several days after the burial, decomposition made it impossible to reach a definitive conclusion. Nevertheless, the open-ended nature of Dr Money's examination appears to ask questions about Cissy's involvement with the mysterious man at the well, mentioned multiple times in Jack's testimony.

As a 'half-caste' girl, Cissy was cared for by her white father's family and was (according to the testimony of her stepmother) never beaten.⁵² However, as Liz Conor has argued, throughout Australian history the Aboriginal girl or woman has been typically considered either actively immoral or implicitly 'amoral' and thus responsible for their own downfall.⁵³ The 'half-caste' female, writes Ann Stoler, who 'threatened to blur the colonial divide' could unsettle the settler state.⁵⁴ The Aboriginal child, moreover, was constructed as requiring management and civilising within a historical understanding of government administration that cast them as distinct from – and inferior to – other children. As David McCallum argues, white children and Aboriginal children were 'figured differently, administered according to different logics, [and] underpinned by different aspirations'. The Aboriginal person was 'understood to embody a set of inherent racial deficits, moral and intellectual – childishness, laziness, untruthfulness, untrustworthiness, dirtiness, shiftlessness ...

⁴⁹Testimony of Dr Money, 'Inquest', QSA, Item ID ITM3830167, Item Representation ID PR4058014, 2.

⁵⁰Dr Money's Post-mortem Examination Report, 'Inquest', QSA, Exhibit 1, 2 of 2.

⁵¹Ibid., Exhibit 1, 1–2 of 2.

⁵²Testimony of Mary Ellen Johnson, 'Inquest', QSA, Item ID ITM3830167, Item Representation ID PR4058014, 51.

⁵³Conor, *Skin Deep*, 324.

⁵⁴Ann L. Stoler, 'Making Empire Respectable: The Politics of Race and Sexual Morality in 20th-Century Colonial Cultures', *American Ethnologist* 16, no. 4 (1989): 638.

sexual promiscuity coupled with an animal fecundity'.⁵⁵ As noted above, in Cissy's inquest, the characteristics of being deceitful and secretive as a 'half-caste' girl who was neither fully Aboriginal nor fully white were suggested in the testimony of Jack about her supposed unaccompanied meetings with the strange man at the well.⁵⁶

Ultimately, however, the factual evidence provided in the testimonies of the two police constables, and by the doctor in his medical report and post-mortem examination, point to their shared conclusions that 13-year-old Cissy Brennan must have accidentally shot herself in the head.⁵⁷ As there were no clear marks of violence on her body, only Cissy could be responsible for her death as she did not struggle or resist, they surmised. These findings were reiterated in the testimonies of six witnesses that followed, including her white father Thomas Brennan, his partner Mrs Johnson, and her son, Jack Johnson. The remaining three witnesses were the three Tweedside miners, Charles Camp, Victor Polsen, and August Doller, who all knew the 'half-caste' girl. In the statements of these six witnesses, who corroborate the evidence presented in the police and medical reports, it is implied that Cissy's status as a 'half-caste' in a predominantly white family positioned her as Other.

Evidence presented by Cissy Brennan's white family and the three Tweedside miners

On 26 August, after a slight adjournment, Cissy's father Thomas Brennan was the first witness to be called. In his testimony, Brennan discussed how he 'reared [Cissy] from a baby, she was a half-caste and ... believed her to be [his] daughter from an Aboriginal girl'. He was now living with Johnson and her son, Jack. On the day of Cissy's death, he remembered sending her and Jack to catch the two horses, Ruby and Maude, and then he told Jack to go to town to collect the parcels 'that we forgot last night'. A few hours later Charles Camp came to him complaining that Jack had taken his rifle. When Camp returned to the Battery, he found Jack had returned the rifle. After Brennan inspected the gun at Camp's property, he noticed it was dirty and there was sand in it.⁵⁸

Assuming that Cissy and Jack had gone to town together, Brennan testified that he went to the well to water the horses and noticed the children's tracks as he was walking. When he reached the well, he drew water and on looking around noticed Cissy's body lying on the ground. Calling out her name he realised she was dead, and when

⁵⁵For a study of Victorian laws and the 'Aboriginal child', see David McCallum, *Criminalizing Children: Welfare and the State in Australia* (Melbourne: Cambridge University Press, 2017), 189–90. For an examination of the 'Aboriginal child' in Queensland, in terms of labour laws and domestic service, see Shirleene Robinson, 'The Unregulated Employment of Aboriginal Children in Queensland, 1842–1902', *Labour History* 82 (2002): 1–16, and Shirleene Robinson, "'We Do Not Want One Who Is Too Old": Aboriginal Child Domestic Servants in Late 19th and Early 20th Century Queensland', *Aboriginal History* 27 (2003): 162–68, and Rosalind Kidd, *The Way We Civilise: Aboriginal Affairs – The Untold Story* (St Lucia: University of Queensland Press, 1997), 20–22, and 146–47.

⁵⁶[T]he inquest was a palimpsestic technology, which is to say that it inscribed the lands with the remains of colonial settlers and concealed traces of the Indigenous ancestors that indwelt within ... [and] the coroner ... was part of the modalities of colonial governance': Marc Trabsky, *Law and the Dead: Technology, Relations and Institutions*, (Oxon: Routledge, Taylor & Francis Group 2019), 6.

⁵⁷Testimony of Constable Johnson, 'Inquest', QSA, Item ID ITM3830167, Item Representation ID PR4058014, 61–62; Testimony of Constable Michael Hyde, 'Inquest', QSA, 67.

⁵⁸Testimony of Thomas Brennan, 'Inquest', QSA, 7.

he got closer he saw blood clotting on her nose and left ear. Strangely, he noticed horse tracks near the body, but no one was around. After alerting the local miners, Charlie Camp, August Doller, and Victor Polsen, Brennan then notified Constable Johnson. In his testimony, he made it clear that he did not see the boy Jack until later that night and did not hear Jack's conversation with Constable Johnson. In deflecting any blame from Jack, he stated: 'Deceased and the boy Jack were the very best of friends – sworn friends and pals'.⁵⁹ When Brennan discussed Charles Camp's rifle being taken, he recalled Jack telling Camp that 'Cissy took it away, and I was fetching it back'.⁶⁰ This raises questions about Cissy's experience with guns, particularly if she was the one who took it from Charles Camp's property. There are suggestions in Jack's testimony that Cissy knew how to load and shoot a gun. Yet, a contradiction arises when Brennan states: 'Deceased has never had any practice with a rifle or a firearm and had no knowledge of them'.⁶¹ When Constable Johnson questioned Jack Johnson about what he and Cissy did before going to the well that morning, Jack stated, 'Ciss ... got Mr Camp's rifle from the Battery to shoot a kangaroo because she told me she wounded a red kangaroo the other day'.⁶²

As a white father claiming his 'half-caste' daughter, Brennan can be said to be dutifully carrying out his colonial duty by sending her to school and raising her in a white household.⁶³ Emphasising the colonial championing of the figure of the white father who takes on the responsibility of their Aboriginal child, Fiona Probyn-Rapsey proposes, 'an analysis of the role of white fathers can serve to outline how discourses of whiteness, masculinity and paternalism are produced alongside histories of assimilation'.⁶⁴ This focus on the heroic father who assimilates his black child was celebrated by the Chief Protector of Aborigines Walter Roth, who 'noted in his Annual Report for 1904 that fathers who registered the birth of their children, contributed financially, and tried to 'give their half-caste children even such a measure of their rights under the law were "exceptional"'.⁶⁵ That Brennan understood he was responsible for caring for Cissy is reinforced in his testimony that: 'She was always treated well and never ill used – she was never hit in her life. ... She was a favourite with the whole camp. ... There was no quarrel with the children that morning'.⁶⁶ His partner, Mrs Johnson, corroborated these assertions.

The widow Mary Ellen Johnson, Jack Johnson's mother and Brennan's partner, provided her account of the events leading up to Cissy's death. Although having given birth to five children to two fathers, including Brennan, Jack was her only

⁵⁹Ibid., 11.

⁶⁰Ibid., 7.

⁶¹Ibid., 12.

⁶²Testimony of Constable John William Johnson, 'Inquest', QSA, Item ID ITM3830167, Item Representation ID PR4058014, 55. See also Testimony of Jack Johnson, 'Inquest', QSA, 30.

⁶³The active pursuit of white fathers for maintenance was the norm, especially after the 1901 amendments to *The Aboriginals Protection and Restriction of the Sale of Opium Act (1897)*: Fiona Probyn-Rapsey, "'Uplifting" White Men: Marriage, Maintenance and Whiteness in Queensland', 1900–1910, *Postcolonial Studies* 12, no. 1 (2009): 90.

⁶⁴Ibid., 89: 'In relation to the enormity of the pain and suffering inflicted on Aboriginal people by the policy of removal, questions about the "white father" might seem insignificant, even supererogatory. But an analysis of the role of white fathers can serve to outline how discourses of whiteness, masculinity and paternalism are produced alongside histories of assimilation.'

⁶⁵Ibid., 90.

⁶⁶Testimony of Thomas Brennan, 'Inquest', QSA, Item ID ITM3830167, Item Representation ID PR4058014, 12–13.

surviving child. In her testimony, Mary Ellen referred to ‘Cissy Brennan, a half-caste’ who she raised with Brennan. In recounting the day Cissy died, Johnson remembered overhearing the conversation Brennan had with the children at eight o’clock in the morning about fetching the horses and a parcel, corroborating his testimony. She recalled ‘the boy returned to me about 8 o’clock that night – the girl Cissie never returned’. When Cissy had not returned earlier that day, Johnson felt uneasy because the girl had been due home by mid-morning. In recounting the conversation between Camp and Brennan at about 11:30 am, she remembers Camp talking about Jack and Cissy taking his rifle and that it was Jack who took it from his place.⁶⁷ By the afternoon Brennan had decided to go to the well to look for the children as ‘they might have gone to town, or they might have shot someone or the horses might want water’.⁶⁸ Soon after this, Brennan found Cissy’s dead body near Paton’s Well and reported it to the police. When Jack returned home that night at eight o’clock, he had all his goods and parcels from town as requested by his father. However, Johnson recalled Jack not wanting to come into the house:

He appeared as if he did not like to come up to the place: he sat on his horse for a while and ... I said, “Jack, what happened to Ciss. Did you shoot her.” He replied “No mother. Ciss shot herself.” ... I said, “Why did you not come home and tell me,” and he said, “I was frightened Daddy and you would beat me.”⁶⁹

The implied threat of violence towards the children is rebutted by Johnson in her testimony, however, when she referred to Cissy as ‘happy and contented. She was very good tempered. I never beat her. I have never beaten my children’.⁷⁰ After supper Constable Johnson spoke with Jack privately, and Johnson stated that she did not hear that conversation. Interestingly, Johnson made it clear that she did not believe Cissy committed suicide and her admission that Jack had not arrived home until later that night leaves many questions unanswered about what actually happened down at Paton’s Well.

Next, Charles William Camp, a miner at Tweedside provided his testimony about the events leading to Cissy’s death. Camp knew the Brennans well, including ‘the boy John [Jack] Johnson, and the half-caste girl Cissie Brennan who is dead now’. After being unable to find his Winchester to clean it, he initially thought it and several bullets had been stolen. But upon seeing Jack Johnson at the creek after lunch at about one o’clock, Camp noticed ‘the lad ... carrying a rifle – he was coming from the direction of Paton’s well. ... He was carrying the rifle in his right hand and walking hurriedly’. In his testimony, Camp raised several questions about Jack Johnson’s involvement in Cissy’s death, for instance by stating: ‘[Jack] was frightened and nervous. ... He made no mention to me of Cissie Brennan being dead; or anything like that, he didn’t mention her name at all’. When Camp went to see Brennan to complain about ‘his boy’ taking his gun, Brennan inspected the rifle and noticed ‘there

⁶⁷Testimony of Mary Ellen Johnson, ‘Inquest’, QSA, 46.

⁶⁸Ibid., 47. See also Testimony of Thomas Brennan, ‘Inquest’, QSA, 6–7: ‘Charlie [Camp], they might shoot a man or a horse; you do not know who is kicking about’, and ‘Ciss and Jack may have gone to town together and the horses will want water’.

⁶⁹Testimony of Mary Ellen Johnson, ‘Inquest’, QSA, Item ID ITM3830167, Item Representation ID PR4058014, 49–50.

⁷⁰Ibid., 51.

was no shell or cartridge in the breech; it was empty'. Not long after this Brennan went to the well, and at 5:30 pm he asked Camp if he could help him catch a horse as 'Ciss (meaning the 'half-caste') is dead at the well'.⁷¹

After Brennan asked Camp to get two other local miners, August Doller and Victor Polsen, the three men stayed with Cissy's body while police were notified. Camp noted that only a child's footprints could be seen near her dead body, suggesting that only children like Cissy and Jack had been in the area.⁷² This statement corroborated Brennan's testimony that he saw the children's tracks near the well, but contradicts other evidence such as Brennan only seeing horse tracks near Cissy's dead body. Questions surrounding who loaded and fired Camp's gun are tested in the magisterial inquiry when Police Magistrate Hishon interrupted Charles Camp's testimony to call 11-year-old Claude Cloake to the stand. Hishon asked the boy to 'look at the rifle and load and unload it. [The child states] ... he does not understand it; that it is not like his father's rifle'.⁷³ However, in his testimony Camp remembered a story that Brennan told him about Jack and Cissy firing a few shots from his rifle one day near the well, leaving Camp to believe the child, as 'a novice could manipulate the rifle'.⁷⁴ By testifying that he 'never goes to Paton's Well, nor do any others living about Tweedside' and that 'he saw no strangers that day', the evidence provided by Camp suggests that Jack was the only person with Cissy before she died. At the end of his testimony, Camp offered an observation about Brennan's agitated reaction on hearing about Cissy's death. Camp stated: 'When Brennan first told me that Ciss was dead he seemed a trifle excited'.⁷⁵ Jack's mother Mary Ellen Johnson provided a similar comment about Brennan in her testimony when she stated that, when he returned from the well, 'I asked him what was the matter. He was very excited and replied, "Ciss is dead at the well, and god knows where the boy is"'.⁷⁶ Based on Mary's insights, Brennan's excitement at this point signals a developing sense of restlessness and unease given his limited knowledge of the children's whereabouts and actions.

Victor Polsen, another Tweedside miner, then recounted in his testimony that when Camp came to his place at about 5:30pm he had said that 'Brennan wants us to go down to the well. That the half-caste was dead'. When Polsen arrived at the well he 'saw the dead body of deceased Cissie Brennan, in the creek, on the sand, close to the eastern bank and about 6 or 7 yds from the well'. He also recounted that Cissy 'was on her back, her head partly inclined to the right side, her arm partly extended – the body was clothed; there were no boots on the feet; the clothing was not disarranged; the dress was down to the knees'.⁷⁷ This statement suggested that Polsen believed Cissy had not been assaulted or raped because she was fully dressed and her clothing had not been disturbed.

⁷¹Testimony of Charles William Camp, 'Inquest', QSA, Item ID ITM3830167, Item Representation ID PR4058014, 17.

⁷²Ibid., 20: 'The track going into the Battery was the footprint of a child about a number 1 or 2 foot, I suppose.'

⁷³Ibid., 19.

⁷⁴Ibid.

⁷⁵Ibid., 20.

⁷⁶Testimony of Mary Ellen Johnson, 'Inquest', QSA, Item ID ITM3830167, Item Representation ID PR4058014, 48.

⁷⁷Testimony of Victor Polsen, 'Inquest', QSA, 22.

The other Tweedside miner who provided a witness statement in Cissy's inquest was August Doller. Doller commenced his testimony with a reference to Cissy as 'the little half-caste Cissy – I knew her by sight'.⁷⁸ Referring to Cissy Brennan as *the* 'half-caste', identified through blood quantum, positioned her as distinctly different to the other people in her household, including her father, Johnson, and Jack, who were all white.⁷⁹ He, like Polsen, stated that Cissy's dead body 'was in the creek, on the sand, near a tree and close to the well'. Carefully noting that he 'did not touch' the body, he mentioned seeing 'some blood on the mouth and left ear', which supported a gunshot wound to the head.⁸⁰ Neither Victor Polsen nor August Doller could provide a reason as to how Cissy came to her death at Paton's Well. Both miners stayed with Cissy's dead body from 6 pm until the police constables and the black tracker, Spider, arrived from Charleston at 9 pm to inspect her body and the area in which her body was found.

On 27 August Sub Inspector Quinn moved into the final stages of the magisterial inquiry into Cissy's death with the testimony of her stepbrother, Jack Johnson.⁸¹ Jack began his statement with 'I don't know what an oath is⁸² – I have never been to school except a bit at Croydon, I don't know what God is ... I'll tell the truth; I know if I don't, I'll get into trouble'.⁸³ Jack's sworn evidence, consisting of 14 pages, was accepted as truth and contained all the interrelated narratives that constituted the story of Cissy's death. His testimony was highly detailed and noticeably lengthy in comparison to the other witness statements in Cissy's file, which may suggest the significance of his evidence in establishing that Cissy shot herself. He introduced himself as being 13 years of age and having lived with his mother, father, brother, and sister Cissy, for almost 14 years. In his testimony, Jack stated, 'Cissie went to school in Normanton, [and] she could speak the same as me'.⁸⁴ He recounted the morning of the 22 August and the jobs they were set by their father. After describing how he and Cissy fed the goats at sunrise and then caught the horses for their father, he stated that it was about seven or eight o'clock. On the way back across Tweedside creek, he stated that 'Ciss went back for Camp's rifle'.⁸⁵ When they met up again on the road, Cissy asked him to go up to the Sawpit, and on returning an hour later, he 'saw her laying down dead under a tree near the well, and in the creek'.⁸⁶ At this time Jack

⁷⁸Testimony of August Doller, 'Inquest', QSA, 23.

⁷⁹ In relation to Cissy's mother, 'in bearing "half-castes," indigenous maternity forced an exposure of sorts: it betrayed colonialism's bastard secret, before the scientific racism of biological absorption resolved the difficulty through child removal': Conor, *Skin Deep*, 170.

⁸⁰Testimony of August Doller, 'Inquest', QSA, Item ID ITM3830167, Item Representation ID PR4058014, 23–24.

⁸¹Testimony of Jack Johnson, 'Inquest', QSA, 26–40.

⁸²See Robyn Blewer, *Child Witnesses in Twentieth Century Australian Courtrooms* (Cham: Palgrave Macmillan, 2021), 63. In the chapter "'If the Law Doesn't Get You, the Lord Will': Competency and Capacity', Blewer discusses the parameters of a child witness swearing an oath: 'If you tell a lie, what will happen to you when you die? This is perhaps a tricky question for any adult to answer, but it was routinely asked of children in court to prove themselves to be competent witnesses. ... Until any child witness was able to prove their competence, therefore, their evidence would not be received. Overcoming this presumption of incompetency required children to demonstrate their understanding of the nature of the oath by demonstrating they understood they would go to hell if they lied.' This is evidenced in Jack Johnson's comment, 'I'll tell the truth; I know if I don't, I'll get into trouble': Testimony of Jack Johnson, 'Inquest', QSA, 26.

⁸³Testimony of Jack Johnson, 'Inquest', QSA, 26.

⁸⁴*Ibid.*

⁸⁵*Ibid.*, 27.

⁸⁶*Ibid.*, 28.

panicked and when Cissy did not respond he grabbed 'the rifle and ran away crying'.⁸⁷ When he encountered Camp, who wanted his gun back, he said, 'Ciss took it',⁸⁸ which supported Camp's testimony. Jack's actions over the next few hours disregarded Cissy's death. He continued with his daily chores and did not report her dead body at Paton's Well until late that night. After learning Cissy was dead and returning Camp's rifle, Jack was too afraid to tell Camp that Cissy was dead. He instead went into the town of New Charleston to get the things his father had told him to collect that morning. After seeing his Auntie, Mrs Hard, when he arrived in town at 4pm he decided not to tell her that Cissy was dead because he wanted to speak to the Constable first. So, he collected parcels from Larry Commerford, some swingle bars for horses, a bottle of cough mixture, a parcel for August Doller, and a few other items. Knowing where Constable Johnson lived, Jack wanted to tell him about Cissy but did not want to ride to his place, which was a mile away. Assuming his father would tell the constable, Jack arrived home at about 8pm. In his account to his father, Jack refrained from disclosing that Cissy had been deceased for seven to eight hours and that he had discovered her lifeless body near the well between 12pm and 1pm. During this time, Jack engaged in a number of activities, including returning Camp's rifle, procuring parcels in town, and conversing with several people, including his aunt.

The most surprising details provided by Jack include what he did with Cissy's dead body when he collected the rifle, and his description of the mysterious young man who Cissy apparently saw at the well. Jack recalled when he came across Cissy's dead body:

I was on the left side between the body and the trees – I bent down and took the rifle off the arm and then went round by the head and took the bullet out of her right hand. The hand was cold. I did not open the hand. ... I took the rifle and bullet away because they belonged to Mr Camp. I was going to put them back in the Battery ... I didn't want Camp to see me because he would growl at me.⁸⁹

Jack's exculpatory statements about removing the rifle and bullet cartridge from Cissy's dead body to avoid getting into trouble with Camp excused him from any suspicion of wrongdoing. And yet, if Cissy's body had been found with the rifle and bullet cartridge intact, the verdict of suicide would be consistent. At least one of the initial news reports of her death, as noted earlier in this article, described Brennan finding the dead body of his daughter 'with a bullet wound through her head and a rifle lying across her arm'.⁹⁰ However, as revealed during the inquiry itself, Brennan had found Cissy's body at Paton's Well late in the afternoon,⁹¹ hours after Jack had already returned Charles Camp's rifle. This suggested that Brennan could have lied

⁸⁷Ibid.

⁸⁸Ibid.

⁸⁹Ibid., 34–35.

⁹⁰'Found Dead – Little Half-Caste's Fate', *Bundaberg Mail and Burnett Advertiser*, 25 August 1910, 2, <http://nla.gov.au/nla.news-article216881868>.

⁹¹'About 5:30pm Brennan came back from the direction of Paton's Well driving horses on foot. He said to me "Come and give me a hand to catch a horse old man – Ciss (meaning the half-caste) is dead at the well": Testimony of Charles Camp, 'Inquest', QSA, Item ID ITM3830167, Item Representation ID PR4058014, 17.

about the rifle's location in an effort to protect Jack from blame, and in doing so, made Cissy responsible for her own death.

The mysterious man at the well created another layer to the conflicting events surrounding Cissy's death such that mentioning his presence positioned him as suspicious, and placed doubt on Cissy's chastity as a 'half-caste' girl. Jack stated:

A man always came there for water. I don't know who he is, he came there with a horse and two waterbags ... He is a young man; he has a little moustache; he rides a bay horse ... I never spoke to this man. ... Ciss spoke to him [the first time we saw him] ... and she asked him where he was going. ... Ciss saw him a lot of times – when she used to go on her own. Ciss told me this – and told her father too ... I never told the Constable about this before – I didn't think he wanted to know.⁹²

When questioned further about the mysterious man, Jack made it clear that Ciss was 'never frightened of any man'.⁹³ His final statement creates a possible suspect for Cissy's death – an unnamed and unknown male traveller who visited the well for water. Jack stated: 'I don't know if this man would fire the rifle at Ciss'.⁹⁴

At the conclusion of his testimony, Jack was 'requested to retire from the court in company with a constable'.⁹⁵ Immediately after Jack's testimony, Brennan was recalled and questioned by Police Magistrate Hishon about the man at the well – 'Who is this man that Ciss had been seeing at the well so often! ... Hasn't Ciss told you that she saw a man at the well? ... Who is he?'⁹⁶ Brennan stated that he did not know the identity of the man that Ciss and Jack had seen at the well, but he did remember about three weeks ago there being 'three men working ... along the Mosquito Road the day Cissy told me ... the man gave her a hand to fill up the trough; he had two native boys with him'.⁹⁷

Jack was also then recalled and asserted his innocence by declaring Cissy 'was happy and singing. ... I can't tell how Cissie was killed'⁹⁸ and he put the focus back on the man at the well: 'Ciss used to meet the man every day at the well. ... the last time she met him was five days before she died'.⁹⁹ This focus on the unknown young man at the well implied Cissy's secretive and untrustworthy nature, while deflecting any blame or responsibility from Jack in her death.

Cissy Brennan was a 13-year-old girl soon to turn 14. She was a daughter and sister, was intelligent, and went to Normanton school. But Cissy had an Aboriginal mother and for this reason she was clearly marked on the colonial landscape as 'half-caste' and defined through blood quantum. Positioning Cissy as *the* 'half-caste', the inquest into her suspicious death framed her as needing to be saved from her Aboriginality by the care and protection of her white family, and more importantly her white father. Further, her Aboriginality, her deficit as 'half-caste', was framed as central

⁹²Testimony of Jack Johnson, 'Inquest', QSA, 39.

⁹³Ibid.

⁹⁴Ibid.

⁹⁵Jack Johnson Retires, 'Inquest', QSA, 40.

⁹⁶Thomas Brennan Recalled, 'Inquest', QSA, Item ID ITM3830167, Item Representation ID PR4058014, 41.

⁹⁷Ibid., 42.

⁹⁸Jack Johnson Recalled, 'Inquest', QSA, 43.

⁹⁹Ibid.

within stories about her death in multiple newspapers, the evidence presented in the police and medical reports, and the testimonies of the six witnesses in the coronial investigation into her death, including her white family. However, it is the crossed-out sections in her Certificate of Particulars,¹⁰⁰ the scene of Cissy's dead body without the gun, Jack's testimony, and the mysterious man at the well, which highlights the flaws, contradictions, and omissions in her coronial investigation.¹⁰¹ This process of unravelling conflicting accounts about Cissy's death provides a space in which to ask further questions of the evidence and to expose how colonial imaginings of 'half-caste' girls steered and influenced the coronial process. Legal archives are limited to producing fragmentary and fractured pictures of events and people in the past. This is particularly the case for Aboriginal women, captured within a legal process that sought – via colonial ideologies – to define and contain their experiences, and deflect blame onto their bodies. Media, police, and medical reports, as well as the witness statements obtained during Cissy Brennan's coronial investigation, present a flawed historical narrative of the life and death of 13-year-old 'half-caste' Cissy Brennan, one that is riven with troubling silences. In these spaces, that continue to linger long after the inquest has closed, all that remains is the colonial/coronial record of death that 'will never know her fully, never know'.¹⁰²

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About the author

Tonia Chalk is a Budjari woman from Southwest Queensland, currently living on Giabal, Jarowair, and Western Wakka Wakka country, known as Toowoomba. She is a lecturer in the School of Education at the University of Southern Queensland and a PhD candidate in the Griffith University School of Humanities, Languages, and Social Science. Tonia's research aims to give voice to the Aboriginal girls and women whose lives and violent deaths have been silenced in colonial coronial records. By remembering the deceased as a living person, Aboriginal peoples can start to take ownership of such stories in their family histories, including her own.

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¹⁰⁰Cissy's Certificate of Particulars – Inquest of Death, 'Inquest', QSA.

¹⁰¹Rather than accounts of what people thought happened, ... close attention to the "surplus production" of official state archives – such as marginalia, transgressions between official and unofficial records, rumour, the unexpected, unwritten and the unsaid – reveals colonial archives as records of uncertainty and doubt' in determining the legal process: Katherine Biber and Trish Luker, 'Evidence and the Archive: Ethics, Aesthetics, and Emotion', *Australian Feminist Law Journal* 40, no. 1 (2014): 9.

¹⁰²Harkin, 'The Poetics of (Re) Mapping', 12.