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# Somewhere between fiction and non-fiction: New approaches to writing crime histories

Abstract:

This paper explores innovative ways of writing across the borders between fiction and non-fiction in crime histories and examines how crime sources can actively encourage writing that is imaginative, subjective and ambiguous. Drawing on recent historiographic critiques of the archive, the paper argues that the constructedness of archival crime sources and close responsive reading and interpretation of these sources can validate, even demand, of historians the use of nuanced fictive writing practices that eloquently express the complexity of the crimes, the killers, the victims, the societies that created them and the intricacies and truths of the sources that contained them. As well as iconic examples from the literature, the paper examines my own research and writing about two very different murder trials from Perth, Western Australia, one already published, the other a work in progress. The trials of Martha Rendell and Audrey Jacob bookend sixteen years of Perth history from 1909 to 1925 when expectations and representations of women's gender roles in Perth changed dramatically, producing very different outcomes for the women. The archival sources for each case determine the contrastive structures and styles for developing the resulting works of scholarly crime prose fiction.

Biographical note:

John Curtin Distinguished Professor Anna Haebich is a multi-award winning scholar of international repute known for her leadership in interdisciplinary and cross-cultural research. Anna is currently a Senior Research Fellow at Curtin University where she leads a major research project on the history of Aboriginal performing arts in Western Australia. She has a demonstrated strong interest in 'new writing' in the humanities.

Keywords:

Women's crime history – New writing – Crime archives – Feminist criminology

> It's a form of prose fiction … dialogue plays hardly any part in it at all, everything is related round various corners in a periscopic sort of way. In the sense it doesn't conform to the patterns that standard fiction has established, there isn't an authorial narrator. And there are various limitations of this kind that seem to push the book into a special category. But what exactly to call it, I don't know (WG Sebald cited in Wachtel 2007: 37).

Amidst the ambiguities of our postmodern world the criminal justice system remains a surviving bastion of the battle for 'truth' reliant on the 'repeated articulation of positivist binaries: 'innocent/ guilty, normal/deviant, true/false, real/imagined' (Biber 2006: 23). These rigid dichotomies give way in compelling works of scholarly crime history written across the boundaries of history and fiction, hovering between fact and poetic imagination. Iconic examples are Theodore Dreiser's (1925) masterly work, *An American tragedy*, based on the real life murder trial and execution in 1908 of Chester Gillette found guilty of drowning his pregnant girlfriend. This chilling account from the dark side of the American dream eclipses what conventional history writing can achieve. In *Alias Grace*, Margaret Attwood (1996) imaginatively juxtaposes fact and fiction in the case of Grace Marks, imprisoned for life in 1843 at the age of sixteen for the murder of her employer and his housekeeper. Jostling archival texts against imagined voices of Grace and the narrator, Attwood belies the truth of any judgments about the case.

This paper explores innovative ways of writing across the borders between fiction and non-fiction in crime histories and examines how crime sources can actively encourage writing that is imaginative, subjective and ambiguous. Like Sebald (cited in Wachtel 2007: 37) referring to his own writing, I have to admit that 'what exactly to call it, I don't know'; perhaps, as he suggests, 'prose fiction' or an adaptation, 'fictive prose'.

The contexts behind this new writing are the revisionist historiography and postmodern analyses of historical knowledge production that cracked open conventional approaches to history and the archive. Following Derrida's 'archival turn', archives have changed from 'sites of knowledge production' to 'monuments of states as well as sites of state ethnography … What constitutes the archive, what form it takes, and what systems of classification and epistemology signal at specific times are (and reflect) critical features of colonial politics and state power' (Stoler 2002: 87). Sources are recognised as constructed narratives of events shaped by epistemologies, ideologies to be carefully interpreted, often against the grain. Archival research involves 'complex processes of selection, interpretation, and even imagining – processes set in motion by, among other things, one's personal encounter with the archive, the history of the archive itself, and the pressure of the contemporary moment on one's reading of what is to be found there' (Burton 2006: 20). A consequence for some historians has been to abandon historical conventions for new writing challenges. Simon Schama says of his fictionalised history *Dead certainties* that it was meant to 'tear out the seams from the finished fabric of history writing, let them fray and hang' (2014).

Some writers go further in stretching the possibilities of new literary, historical forms. Ross Gibson (2012a) provides a powerful model in his imaginative, speculative history *26 views of the starbust world* based on the notebooks of English astronomer William Dawes in early Sydney Cove. Gibson proposes a form that is neither a novel nor a history; that remains true to its archival sources, and that does not

> block other aspects of existence that are worth knowing too, crucial aspects such as conundrum and incomprehensibility as well as character traits such as indeterminacy, multiplicity and mutability … that *works with* rather than *works away* the estrangements that the notebooks show (17, original emphasis).

Such a form 'is meant to help you knock your analytical thinking against your intuitive rumination' (viii).

I explore these topics through case studies of two very different murder trials in Perth, Western Australia, both subjects of my own research and writing, one already published and the other a work in progress. The trials of Martha Rendell and Audrey Jacob bookend sixteen years of Perth history from 1909 to 1925 when expectations and representations of women's gender roles in Perth changed dramatically. These changes significantly influenced the contrasting outcomes of the trials.

In September 1909, Martha Rendell was found guilty of the wilful murder of her stepson Arthur, aged fifteen, allegedly by painting his throat with hydrochloric acid. It was widely believed that she also poisoned her two young stepdaughters in the secrecy of the cottage she shared with their father. The allegation of murder first made by an aggrieved stepson recently reunited with his estranged mother was endorsed by the police despite its implausible stealthy mode of poisoning and the absence of circumstantial evidence and eyewitness accounts, facts that continue to arouse controversy over the case to this day. The Perth public was outraged by the alleged horror poisoning of a child by his stepmother. They greeted the jury's verdict of guilty with loud cheers and applauded the sentence of death by hanging. Protesting her innocence to the very end, Rendell was hanged with unseemly haste just twenty days later on 9 October 1909, becoming the third and last woman to be hanged in Western Australia. This popular thumbnail summary handed on down the years concealed vital questions about the moral panic and trampling of justice surrounding the trial. I first read it in a museum display at Fremantle Prison that suggested a direct link between Rendell as stepmother and murderess; a stepmother myself I decided then and there to investigate further.

It was the contrast with the Rendell case that first prompted my interest in the 'Government Ballroom killing'. There was no mystery about the actions of Audrey Campbell Jacob. The young woman shot her boyfriend and ex-fiancé Cyril Gidley before a crowd of couples waiting for the orchestra to strike up for the next dance at the St John of God Hospital Ball in Government House at around 1.30 am on 27 August 1925. However, Jacob's account of events before and after the shooting were bizarre: she told police that she fell into a trance-like state while walking to the river and reciting the rosary after she saw Gidley dancing with another woman at the ball.

She also claimed to have no memory of the shooting when she woke up in a police cell in the morning. Also extraordinary was the outcome of her trial. Jacob was charged with wilful murder, which carried the death sentence, yet her lawyer convinced the all-male jury that the shooting was accidental and the pretty twenty-year-old was innocent. Once again the crowded courtroom filled with cheers however this time the accused left the court a free woman.

Crime history is a rich field for writers of all persuasions. It offers 'narratives [that] open a window on another world, reveal another *mentalité* and introduce us into another subjective realm [and] expose us not only to a range of experiences but to the meaning of those experiences, in both the felt and cognitive sense' (Srebnick 2005: 18-19). Walter Benjamin (1973, cited in Sanders 1995a: 115) explains that crimes also throw up enigmatic 'figures that fascinate', who open our eyes to unanticipated 'constellations' of social and historical forces and psychological processes. As the 'ultimate disordering' and critical 'disjuncture' of social order, crimes also expose dark secrets and tensions lying at the very heart of society (Srebnick 2005: xiv). Exploring a crime takes us to the core of what underlies this ordering: social, economic and political institutions; structures of gender, class, race and ethnicity; and foundational social values.

This is especially so in the case of the iconic crime that 'occasionally cuts across [social life] like lightening momentarily lighting the whole terrain up and then returning it to darkness' (Noel Sanders 1995a: 112). Amy Gilman Srebnick's (1995) history of the dramatic social transformations of New York city came from reading a popular novel about just such a crime – the 'Mary Rogers Mystery' – the unsolved murder of an attractive young woman whose battered body was found floating in the Hudson River in 1841. The many semi-fictional representations of the crime include Edgar Allan Poe's famous detective story *Mystery of Marie Roget* (1845). Srebnick's interest in the case and the history of New York led her to

> the history of the relationship of women, social class, and urban culture … the history of sexuality, the crisis of modernity, the relationship between gender and culture … the varieties of cultural representation … the history of criminal justice, the growth of the detective novel and mystery fiction (1995: xiv).

This research heightened Srebnick's appreciation of the compelling affective nature of primary sources about violent crimes to generate writing that is imaginative, subjective and ambiguous. Recorded in a state of heightened passions, the sources are traumatic, emotionally charged and conflict-riven. Objectivity and critical distance are difficult to sustain while reading and interpreting them; instead psychological transference and emotion inevitably draw the researching historian into the 'charged arena of subjectivity and human feeling' (Srebnick 2005: 16). Narrative forms predominate: 'a victim's chronicle of events, a witness's description, an accuser's deposition; the social and political narratives, both explicit and implicit … the prosecutor's case, the newspaper' inevitably influencing 'the historian's narrative itself' (11). These all interpolate contemporary social, historical and cultural meanings

and representations of crimes and criminals to be identified and analysed by the researcher.

Particular documents are constructed to demonstrate guilt or innocence according to forensic, evidential and legal standards of the time and are worded in professional terminology with specific meanings that further complicate interpretation. Some statements that satisfied courts in the past would be laughable by today's standards if it were not for their terrible consequences. For example, the Crown Prosecutor in the Rendell trial offered the following explanation for why she poisoned her stepson:

> It is idle to speculate about how the accused came to use the acid. Criminals have a marvelous power of invention, and carrying out a set purpose is part of their composition, a strange kink in their moral nature that may be incapacity, a deformity in one way, but a dreadful capability in another direction. What power the King of Evil used to get this woman to trifle with human lives must remain forever unknown (cited in Haebich 2010: 106).

The logic of the statement is laid bare by reading the source with the hindsight of historical knowledge to tease out the underlying epistemologies and nuanced intentions. This statement is a bundle of damning stereotypes about women of Rendell's ilk as murderers and poisoners. These cluster around the pseudo-science of nineteenth century criminologist, Cesare Lombroso, whose compilations of facial 'stigmata of degeneration' – identified from thousands of photographs – were classified into categories of criminal types and behaviours. Rendell's heavy expressionless face damned her as a woman whose biological instincts could drive her to commit acts of 'extraordinary wickedness'.

As well as these documents and narratives there are vital insights to be found in original undigested documents, such as letters and objects withheld as evidence for the court. The affective impact of these tangible traces can evoke fragments of meaning and emotionally charged imagining about their purpose in the case. Hence Ross Gibson's *The summer exercise* (2008), an extended imagined narrative in the form of a daily notebook created from his viewing of disparate anonymous photographs from murder scenes in the New South Wales Police Archive. Finally, there are the multitudes of gaps and silences in the archives that cover over secrets and lies or that indicate information omitted deliberately or simply overlooked, as in the case of a poor working class woman like Rendell, leaving room for informed imaginative interpretation and reconstructions.

Such sources validate and sometimes demand of historians that they turn away from convention to writing practices that incorporate subjective responses and relationships between narrator and subjects, multiple viewpoints, 'undecidability' and ambiguity rather than definitive positions (Capra 2001, cited in Srebnick 2005: 9). Engaging with the sources and recognising their constructed nature draws the writer further in to explore the discourses that shape their representations of violent crimes. Factually informed but imaginatively conceived, narratives emerge as these discourses are linked to sociological, historical and psychological explanations that shed light on the

crimes, public responses and legal judgments in the contexts of their times. From this sensitivity to the lessons of the sources emerge rich constructions of the past that uniquely enlighten, elucidate and explain the genealogy of a particular crime from history. Srebnick concludes that this can 'provide the nuance, depth and complexity that historians dream of' (2005: 19). Of course there remains the nagging question as imagination plays an ever-greater role of how far the narrative can stray from the 'truths' of the archive and its sources?

My interpretations of the Rendell trial, published as *Murdering stepmothers: The execution of Martha Rendell* (2010), reflect this congruence of sources and writing.[1] The book was a product of the same period of history revision and debates during the 1990s and 2000s that produced the analyses by Sanders and Srebnick. There were other influences too. In the wake of the notorious media coverage of the Lindy Chamberlain case in the 1980s, feminist historians began building a genealogy of executions of women beginning in the nineteenth century that were passionately protested by still disenfranchised women. In popular culture there was a parallel surge of lurid international compendia of crime, including *Women serial and mass murderers: A worldwide reference*, *1580 through to 1990* (Segrave 1992) that included Rendell. I also had my personal reasons: as a stepmother I was shocked by the speedy, slippery slide from mere suspicion of Rendell's guilt to her execution and I felt a responsibility to seek out justice for her.[2]

The archival sources about the case were much as I outlined above – emotional, subjective and full of gaps. Only the coronial inquiry records still existed so my principal source was Perth newspapers. Fortunately there were four major papers and a healthy competition between them had forged individual styles to appeal to readers. They were united about Rendell's guilt but each had their own idiosyncratic approach to the case. *The Truth* published a heady mix of fact, imaginings, banal revelations, secrets and gossip that I scoured for useful tidbits as well as photographs, the *Truth* being the first Perth newspaper to print them. Coverage of the coronial inquiry boasted these headlines:

> ASTOUNDING ALLEGATIONS OF DEVILISH DEEDS
>
> Innocent little sufferers have their throats swabbed with spirits of salt (*The Truth* 1909: 1)

Below was a photograph of Rendell that was used throughout the trial. The imagined features of a vicious witch-like woman had been scratched into her face, which was heavily veiled during the inquiry, thereby compounding her perceived guilt. Thankfully there was the *West Australian* with its daily near verbatim reports of the trial and sober headlines 'Coronial inquiry' and 'Rendell trial'. There were also evocative fragments: mention of a small bottle with a squeaky cork allegedly heard by the stepchildren as Rendell entered the dead boy's sick room; the auction in her home where hysterical women souvenired even the auctioneer's hat and gavel; and brief lines from the death cell of her anguish and then joy when her love (the children's father) finally visited her. Finally, there were the gaps and silences of a poor working

class woman who left no personal records or diaries and who, out of shame or defiance, muttered only a few words in evidence and proclaimed her innocence to the end in letters written by her spiritual adviser.

Drawing direction from the sources I read deeply and widely across a raft of topics and disciplines seeking to understand this seemingly unexceptional woman and the ferocity she aroused amongst the good people of Perth. Like Srebnick, I consulted works from criminal justice, feminist histories of women and crime, class, sexuality and their roles in the family, urban history and modernity, cultural representation, media analysis, psychology, forensics, literary studies, myth and fairy tales, progressivism and public health, and the local history of Perth.

Despite all this reading, Rendell remained an enigmatic figure. I was heartened, however, by Sanders' observation, citing Benjamin (1978), that the 'unreadable' or enigmatic is just what should attract the attention of critical analysis. For him, the project amounted to investing events and people with 'the force of myth, and proceeding accordingly' (1995: 115). Indeed, here was a woman who the public had invested with all the properties of the archetypal wicked stepmother and female poisoner.

My research revealed not a monster but a tragic and quite ordinary woman from a working class family in Adelaide who grew up surrounded by child deaths – seven of her thirteen siblings died before the age of three – and suffered her own losses. Still she loved so passionately that she trampled on the rigid conventions for women of her day and abandoned her children and partner to follow a married man to Perth where she worked as a domestic while she waited for him to leave his wife. Finally, after ten years he set up house with Rendell, bringing six of his children with him for her to take care of while he was away working in the country. She now lived a lie of respectability claiming to be his wife and mother of the children, fictions that would condemn her as deceitful and immoral in her trial. To the peril of her own health, she nursed the children through serious attacks of diphtheria and typhoid. The doctor visited regularly, commended her for her devotion but raised no suspicions. Three of the children died and were decently buried before a stepson raised suspicions. Suddenly Rendell was at the centre of a sensational murder trial and facing the noose.

It was clear from my reading that there was never a worse time for a woman to be charged with child murder in Perth. Rendell's case did indeed, as Sanders described, light up the whole terrain of anxieties troubling the citizens of Perth that engulfed her personal story in a tangled mesh of public imaginings. Perth was already swept up in a moral panic about the role of women in the home and the care of children in a time of major adjustment and economic downturn following the end of the 1890s gold rushes. Various interest groups jostled to exert control: the class of conservative, wealthy founding settler colonists; Labor socialists; the progressivist new medical elite; emerging women's organisations; and various informal citizen networks. Despite many differences they were united in endorsing women's roles as chaste wives and devoted mothers. Public anxieties about Perth's children were allayed by two major

advancements: the first State Children's Act 1907 passed to ensure their proper care and management and Perth's first children's hospital opened in 1909.

Faced by a host of unanswered questions, I looked to the lessons of the archive and slowly moved away from the confines of history. I wrote at the time: 'historical documents would be the scaffolding and my imagination would drive the narrative, urged on by insights from personal experience' (2010: 159). I began reading innovative crime histories, some already mentioned. Dreiser's book was pivotal with its moral and historical narrative set in the rapid social changes of early twentieth century America that paralleled trends in Perth. I also read Thornton Wilder's (1941) novel *The bridge of San Luis Rey* with its separate chapters exploring the lives of five individuals before they were killed by a bridge collapse in Peru. I was looking for new approaches; I was tired of the matter-of-fact language of true crime books and, like David Shields, I was 'bored by [fiction's] out-and-out fabrications … bored by invented plots and invented characters' (2011: 175-6).

What gradually emerged was an imaginative account responding to the new historiography and the archive that innovatively combined fact, fiction, scholarship and theoretical analysis with personal insights and fictive strategies. I would incorporate my subjective responses and relationship with the subject and avoid the authorial master voice by presenting multiple viewpoints and ambiguous positions.

Drawing on the newspapers' idiosyncratic approaches to reporting the case, I created four parallel narratives to bring together the archival and scholarly discourses. I then developed four distinctive historical characters or narrators, all men – the Photographer, Detective, Doctor and Reverend – each to present one of the narratives fractured by their personal perspectives and efforts to justify their reactions. Each resembled stock literary characters of the period and their voice and expression were modelled on the newspaper accounts and Dreiser's novel of the same period, being the ponderous speech style I imagined for these men of early Perth. The Photographer is a *flaneur* walking and reading Perth's streets and faces, and a reporter-photographer whose anxieties increase as he realises his images and text could send Rendell to the gallows. The Detective is a type lampooned in Sherlock Holmes novels whose prejudices bind him to unbelievable theories even as he sees them unravel and threaten the punishment of innocent people. The Doctor, armed with the certainties of age, wealth and colonial position, exposes, for his own selfish reasons, the drive to convict Rendell despite the flimsy forensic and medical evidence and lack of corroborating eyewitness accounts. The Reverend is a compassionate and sympathetic voice who fearlessly campaigns for Rendell's reprieve while he reveals the horrors of her execution. There is also a final fifth character, a subjective contemporary female voice (mine) reflecting on the stories and emotions uncovered and the dark myths of step-mothering as well as possible rational explanations for the children's deaths.

Rendell remains silent in the book. With her so elusive in the sources I could not unequivocally give voice to her guilt or innocence. Paradoxically, while this could have disempowered her, her powerful presence fills the book. Just as she drove the

imaginations of the people of Perth she also pervades the readers' imaginings. There is poetry and power in deliberate silence. Ross Gibson, citing Jay Leda (1970), describes how Dickinson used in her poems and letters what might be called 'the omitted centre', a device to obscure 'The riddle, the circumstances too well known to be repeated to the initiate, the deliberate skirting of the obvious – this was the means she used to increase the privacy of her communication' (2012b).

My analysis of the Audrey Jacob trial is a work in progress, included here as a further example of the processes of imaginatively engaging with the archive in writing about iconic murder cases. The 'Government Ballroom shooting' is remembered for the bravado of the young woman, her youth and attractiveness and the aura of scandal and glamour in high society suggested by the Government Ballroom setting (the dance was a public fundraiser open to all). Another reason is the accolades for defence lawyer Arthur Haynes' 'triumphant' win and continuing controversy that the verdict was 'out of tune' with the law (*The Mirror* 1952: 6). Today student groups visiting the Francis Burt Law and Education Centre adjacent to Government House keep the memory alive in reenactments read from an abridged script of the trial. Most find Jacob not guilty (Dent 2004; Hansen and Curtis 2014).

My first contact with the case was in the office of the Public Prosecutor of Western Australia in St George's Terrace, Perth, reading through files of evidence and witness depositions prepared for the coronial inquest and trial.[3] I was startled to find an empty bullet cartridge in a plastic bag but was disappointed that, missing from the list of trial exhibits, were the deceased's dress suit and the accused's dress, variously described during the trial as 'close fitting', 'silk' and 'peacock blue'. There were also handwritten letters from Gidley to Jacob. The witness statements were fragmented accounts of the shooting, of events prior to the ball and views about the two central characters. These included two damaging accounts of Jacob's character, one from her parents to the Fremantle police prior to the murder claiming that she was 'no good'. I could not stop myself from responding emotionally to these raw, undigested fragments from the past, nor to be struck by the diverging views they suggested to me.

It was only later that I read through the newspapers and court records. Some reported the fragmented to and fro of witness cross-examinations, but most were carefully massaged comprehensive narratives. This reporting contrasted with the cacophony of cruel voices in the Rendell case, being surprisingly uniform and mild with a pervading tone of neutral common sense. All were sympathetic to Jacob and celebrated her release; *The Truth* announced 'Sunshine returns after days of searing sorrow' (1925: 6). I diligently read through this public meta-narrative to tease out the gaps and silences, secrets and hidden revelations and the layers of social ordering and imagining that shaped it, but I was keen to get back to the collage of fragments in the primary sources.

The Jacob inquest held in mid-September opened with press headlines 'Sensational stories at ballroom inquest!' (*The Mirror* 1925d: 16), and public interest escalated in the lead up to the trial that ran over 8 and 9 October in the Supreme Court, next to

Government House with its fateful ballroom.[4] Jacob's family was not well off – her father was an Assistant Clerk in the Customs Office at Fremantle Port and she made a small income from selling her paintings and doing portraits of sailors on the ships. The fees for hiring Perth's top defence lawyer, Arthur Haynes, were subsidised to a 'substantial amount' by money raised by the Tattersall's Club and her relatives (*The Daily News* 1926: 16). The stakes were high: the coroner had ruled she should stand trial for wilful murder, which carried the death sentence. Given her tender age, gender and the Labor government's opposition to capital punishment, a hanging was unlikely but the threat was real nevertheless. The prosecution's theory was that Jacob murdered Gidley out of jealousy. Haynes argued that the shooting was accidental and without malice; that the weapon had simply 'exploded in her hand'.

The witness line-up was low key: young professional men who witnessed the shooting at the ball; Gidley's dance partner; constables called to the scene; Detective Sergeant Joseph Fraser leading the police investigation; a policewoman who sat with Jacob in the lockup; her friend Annie Humphries to reconstruct events on the night; an acquaintance of Gidley to attest to his good character; and the principal witness playing to a packed courtroom and the all-male jury (women jurors were only appointed from 1957 and only compulsory in a jury from 1984).

The defence represented Jacob as a kind, loving young woman whose heart had been broken by Gidley, described as the lowest type of womanising cad. Haynes described him as 'the living embodiment of the Sheik' and had to explain to the judge that this character from silent movies was 'a cruel, masterful lover', adding for effect that he knew a woman who 'went to see the Sheik picture twenty-eight times' (*The Daily News* 1925b: 9). Haynes repeated evidence first given by Jacob's parents at the inquest that Gidley was a 'dangerous man' who had broken up their family, pressured the mother to use their home as a 'smugglers' den', written threatening letters to the mother and, most shocking of all, allegedly raped their daughter during their engagement (*The Daily News*: 7; *The Mirror* 1925a). Gidley, who was from England and visited Perth intermittently as a junior engineer on the state ship *Kangaroo*, had only a recent acquaintance to speak on his behalf. This man's evidence, that the couple had broken their engagement some time ago and that Jacob had subsequently threatened to shoot Gidley and then turn the gun on herself, went largely unheeded (*The Daily News* 1925a: 9).

Haynes was allowed to besmirch the character of the deceased, but the judge disallowed potentially embarrassing prosecution evidence concerning Jacob's alleged immorality visiting sailors on ships in Fremantle port and her free and easy life in Perth on the grounds that they were 'irrelevant matters'. These were significant allegations that originated in the complaints to the Fremantle police five months earlier by Jacob's parents who told female Constable CE Chipper that she was 'smoking and drinking wine, had presents from men on the ship … Mrs Jacobs had found a French letter in her bag once … she was "no good"' (AODPPWA 3012/1925a). The police report was tucked in the back of a file along with the statement from a young pastoralist, Herman Conrad Goerling, who had taken Jacob

out several times during visits to Perth in July 1925, just weeks before she shot Gidley, had been to her flat to view her art, and had loaned her money (AODPPWA 3012/1925b).

Despite her youth and difficult circumstances, Jacob was impressive under cross-examination by the Chief Prosecutor. She brushed aside his questions about her outings with the young pastoralist as merely friendship and the money a loan for her art studies. The loaded gun in her possession was from a former boyfriend and was for protection after her diary was stolen from her flat. To the question of why she changed from her fancy dress costume worn to the ball into her blue silk dress, she replied that the costume had 'represented merriment and laughter'.

Jacob's account of the evening of the murder began with her arrival at the Government Ballroom dressed as the male partner, Pierrot, to her friend Annie as Pierette. Believing Gidley was at sea she was shocked to see him dance past and snub her several times. She left the ball at midnight, agitated and distraught, returning to her flat in St George's Terrace where she lay down for half an hour then changed into her dress, took the gun from the drawer and began walking to the river, determined to shoot herself. However, on an impulse she turned and walked back towards the nearby Cathedral of Immaculate Conception, reciting the rosary and lulling herself into a trance-like state. She decided not to kill herself and to go home but seeing the ball was still on, she decided to go in to see Gidley. Jacob moved through the dancers towards Gidley, the gun hidden beneath a white scarf. She tapped him on shoulder and he replied, 'Pardon me, I'm dancing'. Then a shot rang out. Jacob told the court: 'I felt dazed and threw my hands up to my forehead. The next thing I recalled was being in the lockup'. Following this bravura performance, it was no surprise when the jury returned the verdict of not guilty of wilful murder to loud cheers in the gallery.

At this point in my research I decided that, rather focusing on the local historical contexts of the crime as I had with the Rendell case, I would tentatively explore creative processes and frames to generate an innovative account of the trial. I mean to subvert the press and court meta-narrative of events by returning to the archival fragments and, using imagination and conjecture, to juxtapose what emerged in factual and fictive text montages. My hope is to release new revelations about the young woman hidden in the archival fragments and, using them, to experiment with new ways of writing that would mimic her apparent state of mind 'driven as much by the body as by thought' (Gibbs 1996).

My first task is primarily imaginative – to freely conjure up ideas and images from elements in the sources relating to the night of the shooting that strike me as enigmatic and evocative. These include the symbolism of her clothes: the fancy dress costumes of Pierrot and Pierrette, stock characters of pantomime and Commedia dell'Arte; her change into the peacock blue silk dress with the scarf wrapped around her hand concealing the gun. The significance of repeated references to her altered state of mind: walking with her rosary in a trance-like state; appearing 'dazed', 'dumbfounded', 'trance-like', 'unaware of her surroundings' after the shooting (*The*

*Sunday Times* 1941: 15); the unusual photograph of her eyes in the *The Mirror* during the trial praising them as 'the eyes of one whose thoughts are not really with the immediate things around them. There is about them the mistiness that is not brought by tears, but is associated almost with the dreamer' (Roundsman 1925: 2). Also Jacob's account of her time in Fremantle Prison in the *The Mirror* titled 'In the Shadow of the Gallows', where she describes living in a dream state like 'being under chloroform', of her imaginings that made her 'temporarily mad maybe' and nightmares of the ghost of Rendell haunting the corridors 'behind a black veil' and of feeling a 'noose around her neck' (1925f: 7). A final example comes from a 1941 reimagining of the shooting as 'a dream deed, done in a dream world. It was unreal and mystical … the motive love' (*The Sunday Times* 1941: 15).

A further task is to analyse Jacob's presentations of self, her 'appearing' and the public imaginings and representations of her, within the frame of the 1920s New Woman that proposed modern new ways of looking at women, of being women and of being *with* women (Conor 1996: 14). This was the subject of international and local media productions in film, theatre, newspapers, magazines, photographs and books. All provided the requisite imagery, advice and commodities to make dreams of modernity into the reality represented by a variety of 'types' including the flapper, office girl, city girl, working mother, screen star, pinup girls and mannequins (10-13). The 'newly modern woman' was not a unified ideal like the rigid conventions governing women as wives and mothers by which Rendell was judged in the early 1900s. Rather it was a fluid ambiguous paradigm, a complex montage of identities that combined contradictory elements such as empowerment and freedom with continuing dependence and subservience. For example, a young woman living and working in the city had freedom and mobility, new ways to dress, more permissive mores of sexual behaviour, but she remained 'rooted in traditional hierarchies and ways of life' that governed her economic and legal status and subordination to men. This reassured public anxieties about women's changing roles while it also expressed new desires for excitement and change (Lavin 1993: 2-5).

Jacobs could choose from this tangle of imaginings available to ordinary young modern women to tailor her self-presentation to please audiences in ways impossible for Rendell's generation (Matthews 2005). The New Woman's reassuring mix of old and the new helps to explain the leniency about her behaviour that could have earned public approbation: attending parties and dances with different men, visiting sailors' cabins, walking at night in the city unescorted, renting a flat in town and having male visitors, and her modern dress style reflecting a degree of financial independence.

A third task is to consider the significance of film narratives and fantasies in shaping Jacob's behaviour and the public's acceptance of her claims that she still loved Digley after his alleged rape and emotional cruelties. American film culture was increasingly influential in Australia during the 1920s. There were complaints that 'movie stricken' girls were filled with unreal expectations and became dissatisfied with their lives as they dreamed of becoming movie stars and emulated their ideals of beauty and celebrity. They entered magazine beauty competitions for the perfect film face,

responded to advertisements for screen tests and auditions, some offering first-class ship passage to Hollywood and movie studio contracts. Young and old women were susceptible to the 'fantastic and the fraudulent' world of film and reportedly were easy prey for 'motion picture swindlers'. There were rumours of girls being lured to capital cities like Melbourne by men claiming to be American actors only to be disillusioned and forced to seek help from the Salvation Army for their fare home (Canon 1996: 92-102).

Women in the isolated city of Perth must have been doubly susceptible to the allure of movies. Things were at a standstill. British immigration that boosted the state's population to 380,000 after the war had ceased, leaving Perth as a drab fragment of England in earlier days. Films like *The Sheik* starring Rudolph Valentino, with its erotic encounters with exotic strangers, galvanised women around the world and no doubt provided Perth women with fantasies of escape into passionate intimacies with 'dangerous men', as Gidley was described in court, or to seek new excitement and freedoms as modern New Women (Teo 2012).

Filmic fragments are scattered through the accounts of Jacob's life: her early life of innocence in an isolated Catholic girls school with dreams of becoming a nun; her teenage painting of the silent screen actress Bebe Daniels and her later presumably cultivated resemblance to Daniels (*The Mirror* 1925b: 2). Aged twenty, she became the star of her own courtroom drama with carefully prepared performances for the jury and gallery. There is the courtroom narrative of Gidley as a Valentino-style Sheik, suggesting powerful male sensuality, awakened female passion and then cruel abandonment and even violence and death (Teo 2012). The filmic references continue with the announcement of the verdict of the trial on the screen in a Fremantle cinema (*News Adelaide* 1925: 10). Jacob plays to the crowd immediately following the trial with her expressions of gratitude for 'perfect strangers to come and shake hands with me … I think it was wonderfully Christian-like'. Her expectation of happy film endings is there in her thanks to Haynes that 'right from the first he told me the ultimate verdict would be "Not guilty",' and her future romantic plans to live as an artist or 'go away from everything and everyone-somewhere where nobody would ever know me' (*The Mirror* 1925e: 3).

Then came the truly happy ending from film romance. In December, three months after the trial, Jacob travelled to Melbourne to holiday with relatives. At a Boxing Day gathering hosted by Mr and Mrs CJ de Garis of *Sunraysia* dried fruits fame, Jacob met her future husband. The Perth *Mirror* reported that it was 'love at first sight' despite the considerable age difference (he was in his early forties) (1926: 2). The couple married soon after and, on 23 January, Audrey sailed into her old haunt, the port of Fremantle, aboard the *Demosthenes* en route to her new home in New York, travelling via South Africa and London. Audrey appeared fashionably dressed and wearing a string of large pearls from her husband Roger Sinclair, a director and a chief shareholder in American General Electric of New York (*The Daily News* 1926: 16).

Finally, I add some thoughts about the structure and style of the planned scholarly crime prose fiction. Fragments of narrative and meaning from the archives and contemporary life, such as the ambiguous paradigm of the 1920s New Women, point to a form of mimicry by montage – an approach where signification is created by the juxtaposing of parts in the manner of fragments from the archive that I read in the Public Prosecutors office. Montage was also a popular artistic practice of the 1920s used by Dadaists and Surrealists. German Dada artist Hannah Hoech created photomontages from stylised images of the 1920s New Woman for her unsettling new representations of women and modernity (Lavin 1993). In Perth, some newspapers experimented with montage-like layouts using fragments of text and images. There was also *The Mirror*'s unusual photograph mentioned earlier of Jacob's eyes cut like a collage piece, isolating them from her face for closer scrutiny, perhaps of interest to a modern 'student of psychology' interested in 'the eye as an expression of character' (Roundsman 1925: 2).

Such a montage narrative would centre on Jacob, who is arguably the only person of striking interest in the sources. There are recent examples of women writers using this approach in experimental forms of biographical writing. Evelyn Juers (2008), in her complex biographical study of Heinrich Mann and Nelly Kreuger-Mann, juxtaposes collage pieces compiled from

> colorful fragments of precise description and diurnal detail. Juxtaposition and contrast stand in for criticism or analysis. The result is a vibrant patchwork on which, almost as if by chance, an image slowly emerges of a family, of a culture, torn by fratricidal tensions and animosities (Raphael 2012).

Austrian writer and dramaturge Marlene Steeruwitz (1999) in her work *Nachwelt* juxtaposes real and imagined narratives about the life of sculptress Alma Mahler against the thoughts of a fictional biographer and opinions from Steeruwitz's own life situation. The work is built up using fragments of interview transcripts, diary entries, travel notes and inner monologues that may be 'real' or 'fragmented, distorted versions of "reality"' (Kallin 2005: 349). The sense of accountability in the book's serious topic of Jewish artists escaping from Nazi Germany to a new life in America comes from the use of multiple voices and the raw immediacy of undigested and unedited fragments that are 'neither comprehensive nor conclusive' and that engage the reader to create their own meanings from thoughts of 'repeated interruptions and incompleteness' (342, 345).

This paper has argued that a deep connection exists between the constructedness of archival crime sources, close responsive reading and interpretation of the sources and the writing of rich crime histories that hover somewhere between fiction and non-fiction. The content, characters, narratives, style and structure of these rich narratives take shape through the imaginative work of the author steeped in the sources and research about the people and their times. Immersion in the sources opens insights into their constructed nature and the historical discourses shaping the lives of their subjects, the hidden forces disordering society and the expressive power derived from

staying close to the 'conundrum and incomprehensibility … indeterminacy, multiplicity and mutability' within the sources (Gibson 2012a: 17). Together with the strategic use of devices from fiction and non-fiction, this produces writing of great nuance and depth that expresses the complexity of the crimes, the killers and their victims, the societies that created them and the intricacies and truths of the sources that contained them.

## Endnotes

I would like to thank the editors and peer reviewers for their advice in developing this paper.

1. The following discussion draws on *Murdering stepmothers* unless otherwise indicated.
2. During the centenary of Rendell's hanging in 2009, I met many like-minded people who believed her trial was unjust and she should never have been hanged or that she was innocent. On the day of her execution a vigil was held at her gravesite in Fremantle Cemetery, and a lecture I presented at the Fremantle Prison had to be repeated by popular demand.
3. These records from the Archives Office of the Director of Public Prosecutions for Western Australia (AODPPWA) include: Public Prosecutor WA; Supreme Court Criminal Sittings, Perth 6 October 1925; No. 120/1925 CLD no. 3517/1925 Rex vs. Audrey C. Jacobs; Crown Law Department 3574/1925 Rex vs. Audrey C Jacobs; Subpoenas Rex vs. Audrey C Jacobs WA Police CONO 6618/1925, 3021/1925; and Police Department 3012/1925.
4. The following account referring to the inquest and the trial draws on verbatim reportage from *The Mirror* (1925d: 9); *The Daily News* (1925a: 7-9); *The Daily News* (1925b: 8-13); and *The West Australian* (1925: 13), unless otherwise indicated.

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