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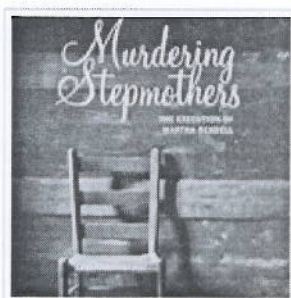
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Revisiting the Trial of Martha Rendell

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There are several valid reasons for revisiting the trial of Martha Rendell in Perth over 100 years ago. There is the fascination of a sensational crime involving multiple child murders by a stepmother whose alleged evil deeds inflamed Perth's citizens and drove the inevitable guilty verdict and hanging that followed. There are the tantalising stories of hidden private lives and intimacies in Perth of a by-gone era exposed by this jolting, disjuncture in the social fabric of the city. Then there are the niggling doubts that have trickled down the century concerning the justice of the trial. Viewed in the context of recent exposes of innocent men wrongly imprisoned for murder by Perth courts these doubts merge into an insistent demand for a thorough review of the facts of the Rendell case.



 [Revisiting the Trial of Martha Rendell - Anna Haebich \[PDF, 100.9 KB\]](#)

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In 1900 Martha Rendell and the people of Perth were propelled into a new century and an uncertain future. Rendell had just moved to Perth, following her lover Thomas Morris and his family escaping the scandal of their affair back home in Adelaide and seeking a new life in the anonymity of Perth. Rendell had broken early in life from the womanly ideals of her day: leaving home at the age of sixteen, taking lovers and bearing three illegitimate children before striking up a passionate relationship with Morris in the mid-1890s and abandoning her children and family to join him in Perth.[1] For her there was no going back. Working in a well-to-do Perth residence as a domestic servant and with the right to vote (granted to women in Western Australia in 1899) she may have seemed independent but with her emotions and future security dependent on a married man with a wife and nine children she could easily slide into the abyss of aging single women condemned to charity, the poor house or worse. Such was the cruel fate hanging over women who broke society's strict moral contract.

There was no going back for the people of Perth either. Their newly modern city built on the riches of wealth and people brought by the gold rushes was no longer a distant backwater but a proud capital city in the new federation of Australia. Its citizens were swept up in international social movements of the times, albeit in more conservative iterations, that divided and brought them together in allegiances that would coalesce around the Rendell trial and execution. There was the old elite drawn from Perth's founding settler families: loyal to Britain and Empire, conservative, parochial and patriarchal the leaders were denizens of the all-male Weld Club who were determined to keep their hands on the tiller of money and government and to uphold the order and stability of domestic life and the honour of their wives and daughters. Making up the legal contingent of the Rendell coronial inquiry and trial, they endorsed capital punishment and their representatives were in government when Rendell was sentenced to death.

The thorn in the side of this comfortable class was the contingent of Labor socialists who had arrived from the eastern colonies during the gold rushes. Radical reformers with an agenda to transform the state's antiquated labour laws they posed a real threat to the status quo, winning government briefly in 1904 when Henry Daglish became Australia's first elected Labor Premier and openly attacking their opponents' treatment of Aboriginal people in the national press and in Britain. They were a brotherhood of men who espoused equality for women, mainly in the breach, and who opposed capital punishment as being barbarous and out of date. From their ranks Frederick Vosper set up the *Sunday Times* as a newspaper for the people and, although its editorials became increasingly conservative after his death in 1901, the paper provided a voice of opposition in the lead up to Rendell's hanging.

Then there was the loose grouping of medical doctors and men of science, most of them new to Perth, influenced by the Progressivist movements in the United States and Britain whose members were applying scientific knowledge and skills to forge the modern, efficient and healthy nations of the future. Alarmed by evidence of population decline, poor health, racial degeneration and moral deviance and contagion that they attributed to the rapid social change and urbanisation of the fin de siècle period and inspired by the promises of modernity in the new century, Progressivists adopted an interventionist stance through government programs of urban planning, public health, housing, education and care of children in the home. In Perth a leading exponent was Doctor John Cumpston, appointed from Melbourne in 1907 as a medical officer with the Central Board of Health in Western Australia. In this role he addressed 'schoolchildren's health, pulmonary disease among miners, historico-epidemiological studies of tuberculosis and diphtheria, quarantine, diet, housing, eugenics'.^[2] He was directly involved in the Rendell case as a visiting doctor in the home and participated in a partial autopsy of one of the children. He also presented a lecture to his colleagues canvassing medical opinion on the children's condition and was a key prosecution witness at the trial.

Local women's organisations, influenced by the first wave of international feminism, were campaigning for citizenship rights for women and their better treatment under the law and protection in the home, yet rather than challenging the accepted gender order of the day they upheld ideals of female domesticity, respectability, morality and advocated women's special capacities for family life and care of children. In Perth members of the United States based Woman's Christian Temperance Union of Western Australia (WCTU) advocated prohibition of alcohol, women's suffrage and 'home protection' for women and children. In Perth in 1910 visiting WCTU leader Jessie Ackerman spoke out passionately against capital punishment. Arguing that it was not a deterrent she recounted how she had spoken with condemned men in the United States and how all but had one killed in an unpremeditated frenzy of madness. She concluded that they were 'victims of environment and influences of birth. Society had no right to take the life of another... it was morally wrong' and demanded 'not punishment but reform'.^[3] By contrast, Perth women's organisations convinced of Rendell's guilt and shocked by the alleged breaches of her womanly role of nurturing and caring for children remained resolutely silent over the controversial issue of hanging a woman.

Uniting these disparate networks of Perth citizens was a fervent allegiance to the family as the powerhouse of the new Australian nation, with mothers forging its future citizenry and Christian marriage as the binding glue, all guided by values of respectability and hard work. There was also growing public endorsement of greater government intervention in family life to achieve these benefits. Any serious challenges to the cherished ideals of marriage and women's familial role provoked defensive debates and reiterations of the status quo. This was evident in the outraged public condemnation of Rendell, which provided a potent instructive example for Perth women of the consequences of deviant female behaviour. In hindsight it

almost seems that she was conjured up by authorities determined to enforce women's adherence to society's norms. Already in 1903 there was a warning shot across the bows when three French women of ill repute were sentenced to death with three men for their part in a fight that led to a murder shooting in the Perth hills. Public condemnation of immorality and suspicious newcomers was on full alert: a letter to the editor in the *West Australian* newspaper demanded 'hang them all they are all foreigners' but the jury recommended mercy for all but the man who pulled the trigger and the women were eventually set free, one to mourn the hanging of her lover.[4]

In April 1906 after nearly ten years of waiting Rendell finally achieved her long-awaited dream when the Morris marriage broke down irrevocably and the couple separated. Morris was granted custody of his five youngest children and the lovers set up home in a rundown cottage in East Perth. Divorce was out of the question, being expensive, scandalous and controversial. At a public meeting Perth in 1901 speakers opposing a proposed federal divorce bill staunchly reasserted Christian marriage as the foundation of the state and of the welfare of its citizens and their happiness and prosperity. They claimed that making divorce easier would 'open the floodgates' to adultery and orphaned children and that the 'state must protect the family, punish severely all transgressions, and assist the injured'.[5]

The only realistic alternative to divorce was de facto living but in secret since the arrangement was universally condemned as immoral. Private family memories suggest that this practice behind closed doors was not so unusual at the time since the upheavals and separations of the gold rushes had undermined many marriages. In Perth de facto couples were able to play out the semblance of respectability safe from prying friends and family back home and cloaked in the anonymity of city life. Rendell's new home of East Perth was an ideal place being peopled with transients and battlers who took little interest in their neighbours' doings. Outwardly Morris and Rendell were a respectable husband and wife and she the children's mother, a charade that demanded the absence of the children's mother and indeed three years passed before the surviving children were reunited with her in 1909. Rendell's devotion to living this lie bespoke her belated acknowledgement of the respect and acceptability brought by marriage, however, once exposed, her deceit and immorality proved ruinous for her, being taken as incontrovertible proof of her sexual depravity and capacity for duplicity to the point of murder. Reflecting gendered judgements of the time Morris was far less harshly judged for his part in the arrangement.

Rendell's rosy dreams of life with Morris must certainly have soured. Living in a rundown cottage with the drudgery of poverty and the daily grind of housework, Morris away working leaving her in sole charge of five resentful children, the girls too little for chores and the big boys with outside jobs and going to school, Rendell spent long lonely days without family or friends for comfort and support and only the snooping 'next doors' who might find out her secrets. Who could she turn to for help? Certainly not to the prying charity of the Children's Protection Society formed in 1906 by well-intentioned middle-class women to help families in crisis and to protect children from cruelty, often by interviewing parents, inspecting their homes and then removing young ones to the care of foster mothers. They succeeded in exposing parental abuse and arousing public sympathy but were also prying into very sensitive areas of family life. For Rendell a call for help to these women would have meant certain exposure.

Many women new to Perth were struggling to re-establish their families, often in the face of financial problems and difficult marriages. In contrast to the other states Western Australia was experiencing a baby boom yet mothers were exhorted to bear even more children to build up the nation. It also had the highest levels of infant mortality but Doctor James Hope, Principal Medical Officer at Perth Hospital, encouraged anxious mothers to be optimistic since 'as many deaths occur in the first year of life as in the next 30'.[6] Pope was also involved in the Rendell case having been called in to inspect

conditions at the East Perth cottage for possible environmental contaminants affecting the children's health and he was a prosecution witness at the trial. Mothers also faced growing interference in their maternal role in the home as Progressivist doctors insisted that they be trained in scientific standards of child rearing, hygiene and efficiency. For the sake of their children's health Perth newspapers admonished mothers to embrace the 'propriety of governmental interference on their behalf' like their counterparts in Britain, although the same alarming levels of poor child health and physical deformities found there had not been identified in Western Australia. State schools also had an important new role to play and in 1905 the Science Congress in Adelaide passed a resolution that all state Education and Public Health Departments should introduce compulsory school medical inspections and hygiene instruction in line with developments in Great Britain and the United States.[7] New theories of child development demanded greater discipline and control of children, with the home and school working in tandem. How could overworked mothers be expected to achieve these rigid standards? The official answer lay in the nature of instinctual maternal love that sacrificed all for this noblest of callings; by contrast women like Rendell who abandoned their children for their own lustful ends were contemptible aberrations of nature.

As a secretive stepmother Rendell was in an unenviable position. In a society that idealised motherhood the drive to become the loving mother she had displaced and to recreate a loving family and home must have been irresistible. This goal was also unattainable and heart breaking. Harsh prejudices about stepmothers had survived for centuries regardless of their vital role in caring for motherless children after family breakdown through death of the wife or separation. The inherent tension in their role was played out in popular culture in the figure of the wicked stepmother who was aging, ugly, vain and haughty and murderous of little children left in her care and in sayings like 'providence is a cruel stepmother' and frequent press reports of violence and murder in stepfamilies. In 1903 Perth newspapers reported the sensational case in Queensland of Florence MacDonald who was found guilty along with her husband of the wilful murder of her young stepdaughter. Evidence showed that they had worked, beaten and starved the poor girl to death, yet despite a public outcry their death sentences were commuted to life, apparently through the graces of the husband's contacts in high places.[8] In the Rendell trial stereotypes of stepmothers provoked extremes of public hatred against the woman and provided a convenient excuse for doctors who blamed her deceit in claiming to be the children's mother for their failure to suspect foul play.

In the little East Perth cottage relative calm reigned for twelve months but then in April 1907 the four youngest children Olive, Annie, George and Arthur aged between five and fourteen were struck down with diphtheria during a city epidemic. The demands on Rendell of nursing four children were exacerbated by the terrible rasping sounds as her patients struggled to breathe but the life threatening danger was the poison that could spread fatal toxicity from the diphtheria throat membrane throughout the body. The family doctor James Cuthbert who gave damning evidence against Rendell at her trial visited regularly and commended Rendell for her devotion in nursing the children to recovery at the expense of her own health. Sickness seemed to have taken a hold on the family and soon nine-year-old Annie was back in bed with convulsions, vomiting and diarrhoea for which the doctor administered the diphtheria anti-toxin and prescribed tinctures of laudanum to ease her pain. She died in a delirium in July, the cause of death given by Cuthbert as epilepsy and cardiac weakness. Then in August just when life seemed to be returning to normal Olive, George and Arthur were diagnosed with typhoid. This time Olive did not recover and suffering from vomiting, diarrhoea and an undiagnosed membranous condition of the throat she died in October according to her death certificate from haemorrhage and typhoid. Once again the local Methodist church members joined in mourning the family's loss. What was happening in this household? Hadn't mothers been promised an end to the anguish of childhood deaths?

These tragic events were played out against the backdrop of shocking disclosures of infant deaths in the Mitchell baby farming case that galvanised Perth in early 1907 and shone a glaring spotlight on issues of surrogate child care and immorality.[9] Baby farming provided a service for working single mothers and deserted wives forced to leave babies and small children in care while they earned money to survive. Stories were rife of neglectful conditions, cruelty and abuse in these premises. Reports alleged that 37 children had died at the Perth home run by Mrs Alice Mitchell, despite the requirement for inspections by the Board of Health and the fact of regular visits by local doctors who regularly signed death certificates but raised no concerns with the Board. Presiding Justice Macmillan exonerated of any blame a doctor who recklessly signed numerous death certificates, a portent for the judge's favourable treatment of medical witnesses at the Rendell trial. Charged with the wilful murder of one infant, Mrs Mitchell was saved from the noose by contradictory evidence, most of it circumstantial, and the court's inability to rule that she had deliberately caused the infant's wasting condition. The jury returned a verdict of wilful neglect causing death of an infant and Mrs Mitchell was sentenced to five years hard labour in the Women's Division of Fremantle Prison and she was still there when Rendell arrived in 1909 to wait out her final days.

Mention of illegitimate children in the Mitchell case inevitably drew attention to issues of immorality in Perth. Women bore the brunt of the blame. Condemnation and surveillance of reproductive controls through contraception and abortion escalated. Even women's reading choices were attacked. In 1907 the *West Australian* newspaper alleged that popular romantic novels were corrupting women's morals: once represented as 'most fragrant influences in life' women were now represented as 'the very opposite'. [10] Calls by women's organisations like the WCTU for men to curb their lusts and act more responsibly did have some influence. In 1907 a Christian men's meeting at His Majesty's Theatre exhorted all men to sexual purity to serve the nation's great destiny; its gravest peril was immorality. It was beholden on men to 'keep the nation pure with their prayers, work and common sense' and by censuring 'filthy literature', dominating public opinion by voting virtuous men into government and keeping themselves pure through male friendship and company in men's religious groups. The church was 'calling her sons to stand by and fight the battle now'. [11]

What were women to do? With few alternatives some were pushed to the brink to commit infanticide or even suicide. Perth newspapers refer to several infanticide cases in the early 1900s, although the hysteria that the Rendell case provoked was absent from their reports. Jean Mappin was sentenced in 1904 to nine months imprisonment, with hard labour, for having concealed the birth of her daughter's baby and the judge considered imposing the maximum sentence of two years because she was not a distraught suffering young mother but a woman who 'knew very well what she was doing, and acted with deliberation'. [12] Courts were often harsh in their treatment of older women in such cases. In Victoria in 1885 Emma Williams was sentenced to death after she drowned her two-year-old child and in sentencing her the judge referred explicitly to her maturity and immoral life: 'the accused is a woman of mature years; it was not the case of a girl who had taken her first steps on the wrong path and was anxious to lead a better life'. [13] Rather than considering the difficult circumstances that could assail older women the courts judged and condemned them because they should have known better. Similar judgements would be made against Rendell. Such judicial pronouncements individualised women's precarious situation and the unhappy victims were submitted to severe punishment, even death, for failures that stemmed from prevailing social ideologies and politicians' lack of nerve to implement necessary structural change.

Events in Perth forged several important advances in furthering the vast and special work of the proper management of the nation's children. The State Children's Act of 1907 provided for the care of those who were neglected, underprivileged, criminals or orphans, set

up a Children's Court and initiated new placement services such as fostering and greater controls over state institutions. In 1909 the state's first Children's Hospital was opened for the relief of poor and suffering children and there was soon a heavy demand on its services. In the schools medical inspections and hygiene instruction were introduced and doctors lobbied the government for compulsory vaccinations and treatment regimes for children as well.

Meanwhile further tragedy was brewing for the Morris children. In June 1908 Arthur was suffering from the same symptoms of vomiting, diarrhoea and the mysterious throat membrane as Olive and he died in October just twelve months after her. On this occasion suspicious doctors conducted a partial autopsy under Rendell's watchful eye seeking evidence of irritant poisons but Rendell stopped the procedure. She later claimed that she did so because she thought they had seen enough. Her actions went badly for her in the trial being interpreted as a deliberate act to prevent discovery of Arthur's murder, but at the time, the doctors agreed to take no further action and listed ulceration of the bowels, haemorrhage and cardiac failure as the cause of death. They made no report concerning the unusual situation where three grown children had died within the space of fifteen months.

Seven months of quiet followed but in May 1909 Rendell's life began to slide horribly out of control. The trigger was the reunion of the two surviving boys with their mother. The younger son George ran away to live with her and Morris, not knowing the boy's whereabouts, called in the police. From George the police heard the horrific allegation that his stepmother had murdered his brother Arthur and that Arthur had told him she was painting his throat with spirits of salt (hydrochloric acid). George complained that she had also served him bitter cups of tea that sent him fleeing to his mother's home in fear of his life. He claimed that his father was her accomplice and informed the police of the couple's immoral relationship and web of lies. With her secrets exposed to the world Rendell retreated into a shocked silence that she broke only once at the Coronial Inquiry and in statements from her prison cell proclaiming her innocence. Meanwhile a shocked public grappled with the news of murders that must have seemed unimaginable outside of a wicked stepmother fairytale, yet everyone eagerly believed that the boy's claims were true.

How can we explain the public's rush to condemn this woman? In hindsight George's story seems highly implausible, the feverish imagining of a vengeful mother and stepson newly reunited. The horrific caustic action of hydrochloric acid was not the sort of stealthy killer chosen by poisoners nor did it fit with the gradual wasting noted by the children's doctor. And how could the woman have forced a youth of fifteen to submit to such cruelty? If Rendell had used diluted solutions of the acid (and it came to light after the trial that this was a home remedy used as a mild antiseptic and sometimes applied to the throat to treat diphtheria) then how had this uneducated woman calibrated the children's dosages to create symptoms to fool Perth's most respected doctors?

The strength of feeling bordering on mass hysteria that lay at the heart of public frenzy about this woman was exhibited in the shrill crowds of Perth women demanding her hanging and worse. Some women even invaded the Morris cottage when it was opened up to auction the contents and souvenired every household item, even the auctioneer's hat so that only ten pounds were raised for the couple's legal defence. Public reaction to child murder is always extreme provoking universal abhorrence and condemnation. Women child murderers are the most hated of all and here were alleged multiple killings. Forensic psychologist Geoffrey McKee[14] explains that such killings provoke the irrational, being a shocking attack on the most fundamental of human relationships and arousing memories and fears from childhood or even guilty feelings of frustrated parenting as adults. Murderesses also have a particular allure and cache; they compel and repel in ways that male felons rarely do. This is due to their statistical rarity and their exceptional behaviour in transgressing

ideals of feminine conduct to the point of murder. This woman transgressed by bringing murder into the very heart of the home, a feminine space associated with nurturing and comfort and that contrasted with the usual scenarios reported in the Perth press of violent male murders in the outback like the brutal killing by Harry Smith and his two accomplices at their miners' camp at Day Dawn near Cue in 1908. Her behaviour breached all of the cherished ideals of family, wifely conduct and motherhood that Perth society demanded of its women. What was held up as the ideal of home, husband, children, respectability and security she not only destroyed for herself but also mocked in her deceitful charade of respectability to hide her immoral behaviour. There was also public conjecture about the likely reasons she failed to bear any children to Morris. Rendell was a bad woman who was beyond the pale.

Vital issues of trust in the home were also involved. Noel Sanders[15] in discussing the outbreak of thallium poisonings in Sydney homes in the mid-twentieth century highlights the significance of women and fundamental understandings of trust that underpin the domestic division of labour and activities of everyday life. Women prepare and serve food and nurse the sick, all duties that could be easily transformed into acts of malice through poisonous attempts on a life. Mothers give trusting children medicines that taste nasty and even hurt and tell them the concoctions are doing them good and the doctors back them up. How could a child know the difference?

Clair Scrine[16] argues in her study of the Sydney thallium poisonings that it is the 'instability' in women's deference to domestic ideals and the potential to invert assigned roles and deceive that account for 'feminine coding' of crimes of poisoning and the long history of associated misogynist myths and beliefs. Rendell fitted all the stereotypes of a woman poisoner and criminal. The tell-tale appearance and behaviours, Rendell being plain, middle aged and stony faced was the very embodiment of the deceitful, cold-blooded woman who poisoned her loved ones, poisoning being considered the most fiendish method of murder imaginable. Popular stereotypes of murdering stepmothers further amplified the potent mix. Even the silence that Rendell maintained for the duration of her ordeal, normally deemed to be the legal right of the accused, served to confirm her guilt, fitting as it did with popular ideas of wicked women as witches and deceitful poisoners.

An imagined crime profiler of the day could have readily pulled out all the popular 'scientific' explanations about women criminals to confirm Rendell's guilt. Nineteenth century criminologist Cesare Lombroso[17] had painstakingly photographed and classified the facial and physical characteristics of female 'criminal types' who were driven by primitive impulses normally subdued by the innate 'piety, maternity, want of passion, sexual coldness, weakness and undeveloped intelligence' of their sex. Described as 'masculine, unsexed, ugly and abnormal' by Lombroso's contemporary Antonio Marro,[18] these women were capable of criminal behaviour of extraordinary wickedness but he noted that mercifully their distasteful appearance and natures meant they would 'find no mates, thus bear no children and their wickedness would die with them'.

Clair Scrine[19] demonstrates how in the case of sensational murder trials involving women the courts and media can create from misogynist stereotypes, gossip and the stated facts of the case a logically consistent system of meaning that glosses over inconsistencies and details of what actually happened. In the Rendell case police and press representations that masked political and other forces at work and powerful prejudices of the times helped to send a woman to the gallows on the flimsiest of evidence. Perth's several newspapers covered the events with great interest, but none so ardently as the *Truth* where Rendell and her paramour were regular headline stories. Mud-raking and sensationalist, the Sydney owned tabloid claimed a special role in exposing the murders and proudly proclaimed to have been the first to realise the significance of the terrible facts of the case and to reveal them to the world. The *Truth's*

sensational headlines and photographs created a space where readers could inscribe their own fictions and fearful imaginings of what might have happened in that East Perth cottage. In the competitive Perth market this sold newspapers.

Scant surviving records of the police investigations bring to mind examples from popular culture of those policemen exposed by Arthur Conan Doyle's fictional character Sherlock Holmes who jump to conclusions, become fixated on particular individuals as prime suspects, and latch onto one theory and fail to eliminate all others. Recently Perth criminologist Richard Harding provided a similar list of factors that he argued contributed to more recent miscarriages of justice in Western Australia.[20] There was also the misogyny and prejudice of the justice system in Australia that Jocelyne Scutt [21] traces from witch trials to Jean Lee executed in Melbourne in 1951 and the Lindy Chamberlain case in the 1980s. Several alternative theories could have provided plausible explanations of the children's deaths: that Rendell was innocent and the children had died from the causes listed on their official death certificates; that they had suffered a fatal illness unknown to medical science of the day; that the doctors had been criminally negligent; that Rendell was insane, tipped over the edge by her difficult situation, and perhaps an early undiagnosed case of the Munchausen by Proxy syndrome; or that she had treated the children with her own regimes of home remedies believing she was doing them good. Had this indeed been the case then Rendell could have expected a far more merciful sentence. In Tasmania in 1847 a quack doctor who applied sulphuric acid to a patient to cure a particular cancerous condition (an accepted treatment at the time) who subsequently died was convicted of manslaughter and jailed for eighteen months for rashly administering a medicine that caused death.[22]

It is true that this was a difficult and unusual investigation with no crime scene, fresh bodies or eye witnesses, only a fourteen-year-old boy reporting words his deceased brother had allegedly spoken and neighbourhood gossip reported retrospectively, no incriminating physical evidence collected from the cottage and no incontrovertible forensic evidence either. This was despite the exhumation of the children's bodies and the most extensive forensic analyses and laboratory experiments in a criminal trial in Western Australia to that date. Forensic science may have been in its infancy in Perth but still the expert evidence presented at the Rendell trial in no way matched the rigorous standards of proof demanded by British toxicology experts notably Professor Alfred Swaine Taylor who pioneered the field during the nineteenth century. Yet armed with nothing more concrete than a young boy's testimony and medical and scientific conjecture about what happened to the children, the police forged ahead. They were vindicated in their gamble when in August 1909 the coronial inquiry into the children's deaths found there was sufficient evidence to charge Rendell and Morris with the wilful murder of Arthur Morris.

The trial began in mid-September 1909 and rolled like a juggernaut to its inevitable conclusion, setting out a prosecution murder theory that was alarmingly reminiscent of a wicked stepmother fairytale and so bound to capture the fevered public imagination. The standing of doctors in Perth, evidenced by their preferential treatment in the Mitchell case, placed them above suspicion and they faced only a few accusatory questions from the defence despite their failure to diagnose and treat the boy's condition and to report their suspicions and the results of the partial autopsy. Their flimsy expert evidence couched in the aura of science mesmerised the court rather than raising alarms. The fact was that their forensic analyses did not produce any evidence of poisoning with hydrochloric acid, nor did they know of its use in any other murder cases. To explain their inability to replicate the children's symptoms in experiments where they swabbed the throats of rabbits and guinea pigs with the acid, they resorted to preposterous explanations of Rendell's superhuman criminal capacities to deceive.

The single day devoted to the couple's defence with no witnesses to speak on their behalf was shameful given the criminal charge of wilful murder, which carried a mandatory death sentence. Morris was saved from the noose by the court's incredulity that his sons would lie about their own father knowing the consequences and the court's gendered assumptions that Rendell was the dominating perpetrator of the murders. His frequent absences working away from home also pointed the finger at her as the sole culprit. Rendell bore the full brunt of public prejudices and stereotypes. Justice Macmillan pronounced her a 'moral deformity' to the all male jury before a hostile largely female audience and then followed the inevitable outcomes – a verdict of not guilty and freedom for Morris and a verdict of guilty and the death sentence for Rendell. The jury made no recommendation for mercy as in 1903 for the three condemned French women nor was a plea of insanity raised by the defence as in the case of Harry Smith in 1908. Rendell's only hope was to raise new facts sufficient to commute her sentence or arouse public sentiment against the hanging. Even should she achieve these impossible outcomes the final decision still rested with the Executive Council whether to advise the Governor to extend the prerogative of mercy. Her case seemed hopeless. Given the passionate public support for Rendell's execution and the government's support for capital punishment there was little hope of a positive outcome.

It had been 38 years since the last woman was hanged in Western Australia and understandably there was some heated debate on the issue of capital punishment in the lead up to her hanging, although few people challenged the verdict of guilty. The public was split along the social divisions outlined at the beginning of this paper: the conservative elite and their representatives in government who endorsed capital punishment; Labor members who opposed hanging, especially of a woman; the Progressivist doctors asserting her guilt and punishment while they protected their own reputations; and the silence of the women's organisations that contrasted markedly with the strong protests in Victoria and New South Wales in the 1890s to save two women from the noose on the grounds that hanging of a woman by a body of men was a barbarous act.[23]

A small but vigorous group of men took up the fight to save Rendell. Made up of Labor politicians, Rendell's lawyers, press reporters and her spiritual adviser Reverend Thomas Allan who was unique in loudly protesting her innocence, they presented petitions and led deputations to the Premier and the Governor but to no avail. The Executive Council refused to reverse the court's decision. On the eve of the execution the Labor member for Kanowna Thomas Walker gave a rousing speech in Parliament in which he proclaimed that 'execution goes with savagery not civilisation. If this woman is guilty then let her suffer life.'[24] Walker had weathered his own scandals. As a youth in Canada he caused the death of a man who was seriously burned during a séance and he hurriedly left the country to avoid being taken to trial and in Sydney in 1892 he accidentally shot a clergyman in a drunken row.[25]

Rendell was hanged with unseemly haste on the 6th of October 1909, just twenty days after the guilty verdict was handed down and only seven weeks from when the coronial inquiry had deemed she should stand trial. She was the third woman to be hanged in Western Australia, the only one to be executed for child murder and the only woman ever to be hanged in Fremantle Prison. Rendell has continued to be condemned in history and public memory down the years. In the process she has been reinvented to reflect images of bad women in popular culture as a glamorous femme fatale, serial killer, sexual pervert and, most recently, iconic murderess at the Fremantle Prison heritage precinct. Today researchers are constructing a further image of this sorry woman as the wrongly condemned victim of prejudices and public hysteria in Perth of bygone days. Hopefully, this more enlightened interpretation of the trial will gather public momentum for Martha Rendell to be granted a retrospective pardon for a crime for which she should never have been found guilty, let alone hanged.

[1] All references in this paper relating to Martha Rendell and Thomas Morris and their lives together, the deaths of the children and the details of the murder investigation, the trial and the execution come from the following sources: Supreme Court file WAA 44 WAS 122 3473 4154/1909 (WA State Records Office); Supreme Court Criminal Sittings 7/9/1909 Case 75/09, Depositions, and Trial Notes 9/9/1909 (Office of the Director of Public Prosecutions); editions of the *Truth*, *West Australian* and *Sunday Times* and *Daily News*, covering the dates of the coronial inquiry (10-16/8/1909), trial (8-15/9/1909) lead up to the execution (16/9-5/10/1909) and aftermath (6-9/10/1909) (State Library of WA).

[2] Michael Roe, 'Cumpston, John Howard Lidgett (1880 - 1954)', *Australian Dictionary of Biography*, Volume 8, Melbourne University Press, 1981, p. 174.

[3] *West Australian*, 19/9/1910, p. 3.

[4] *West Australian*, 18/4/1903, p. 2.

[5] *West Australian*, 4/11/1901, p. 3.

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