

One of the 'Laws Women Need'¹ - The Women's Legal Status Act of 1918.

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Introduction

The *Women's Legal Status Act* of 1918 was one of the most significant pieces of legislation affecting the New South Wales legal profession in the Twentieth Century. This Act gave women the legal right to become lawyers. In addition it gave women the right to be elected to the New South Wales Legislative Assembly. There was protracted lobbying for these rights by a number of women. The bill was eventually presented to parliament by the State Attorney-General and Sydney barrister, David Robert Hall. The main reason for that exclusively male enclave finally passing the Act after so much delay was that both Houses believed that women had proved themselves both worthy and deserving of the right to become lawyers and parliamentarians by their energetic public activities during the First World War. The Act was one of the positive outcomes of an otherwise tragic conflict.

Hockey Sticks and Abuse at Sydney University

The Federation of Australia had not completely solved the problem of the limited legal status of women. Speaking in Maitland on 17 January 1901 Australia's first Prime Minister, Edmund Barton expressed his approval of universal suffrage but drew the line at admitting that the granting of suffrage should entitle women to occupy seats in parliament if elected.² His comment indicates the kind of grudging recognition of women's rights, which persisted in the Federation period. Women were not only barred from parliamentary office, they were also excluded from the legal profession. One courageous woman, Ada Evans, had braved the ire of Professor Pitt Cobbett³, Dean of Law at the University of Sydney, and enrolled to study law while he was absent in 1899⁴. (Sir) William Portus Cullen was Acting Dean at the time.⁵ Ada Evans had a long lonely struggle. Professor Pitt Cobbett was openly dismissive of her. "Who is this woman?" He exclaimed, and there was much door slamming and chairs banging on floors. His disparaging comments must have been galling in the claustrophobic atmosphere of the Law School which was then located in the three storeyed building of Selbourne Chambers at 174 Phillip Street and comprised only a

handful of students and staff.⁶ It was not hard to sympathise with her, although Professor Jethro Brown was sympathetic and accorded to her the glory of the pioneer.⁷ She was reportedly so embittered and alienated by the experience of battling to be admitted to practice after she graduated in 1902 that she did not act as a barrister even when she finally had the right to do so.⁸ Sydney University was not in general a comfortable place for women who wanted to espouse feminist causes before the First World War ó in fact it could be decidedly intimidating whether or not a woman was at the Law School or the main Campus.

In July 1914 the suffragette, Adela Pankhurst,⁹ was touring Australia and visited Sydney University for a speaking engagement before an audience of women. Pankhurst and her audience were subjected to barbarous treatment by some loutish male students who resented what was happening. She was loudly abused as she entered the hall ó a most bullying and intimidatory tactic as she was only 152 centimetres in height (less than five feet) and not at all robust. The men were kept outside so they made their presence known by tossing fire crackers in through the windows, jeering loudly, heaving large rocks onto the galvanised iron roof and generally creating mayhem as Pankhurst tried to speak. Their actions caused considerable distress to those inside the hall. Eventually some women armed themselves with hockey sticks and, in an endeavour to quell the disturbance, sallied forth and roundly belted some of the young men; but the riotous behaviour continued until the crowd had shouted themselves hoarse.¹⁰ It was no wonder that women wanted a place such as Manning House as their own safe refuge from the loutish behaviour of male undergraduates. This pre-war incident with Adela Pankhurst indicates just how much women's status would change during the conflict. In addition to such overt prejudice, there was legal interpretation of the governing regulations which kept women from becoming lawyers.

The main problem - a 'Person' was not a Woman

Apart from issues of prejudice, women were excluded from legal practice at the time for the bizarre reason that the denotation 'person' was interpreted as being male unless specifically stated otherwise. Since only a suitable 'person' could practice as a lawyer, women were ruled out.¹¹ Legislation which specifically stated the right of

women to practice as lawyers was needed to remedy the situation. Men in positions of power would have to change their attitude towards working with women in public situations if this change was to occur. For fifteen or so years after Federation, the men in control of New South Wales did not find any reason compelling enough to have them change their attitude regarding the unsuitability of women to be lawyers.

Apart from the opposition of Professor Pitt Cobbett, influential people, such as the New South Wales Attorneys General, Bernard Ringrose Wise KC, Sir Charles Gregory Wade KC and William Arthur Holman either opposed having women in the legal profession or were unwilling to pursue it. There were persistent jurisdictional problems, which meant that an impasse developed between the legal profession and the legislature with neither being prepared to take responsibility for the admission of women.¹² Another, and perhaps more pernicious reason for the delay, was that the men in power, referred to as 'the legislating brotherhood',¹³ did not take the request to include women as lawyers seriously, despite women practising in other professions such as medicine. Law was indeed 'a tough nut to crack'.¹⁴

A 'light and trivial' response

Men in power repeatedly adopted a derisory tone in response to any suggestion that women should be able to become lawyers. On 25 February 1904 Annie Golding, a long term feminist activist 'of the earnest practical kind'¹⁵ led a deputation of the Women's Progressive Association to meet with the New South Wales Attorney-General Bernard Ringrose Wise KC. Golding requested a variety of reforms, including 'the admission of women to the practice of the legal profession'.¹⁶ Wise KC greeted the fifteen women of the delegation politely, but as reported by the *Sydney Morning Herald*, with the rather underwhelming response that he thought

it would be very easy to treat their request in a light, trivial way. (Wise) saw they had given very serious consideration to the matters and were very much in earnest, and he would be wanting in courtesy if he did not receive the deputations in the spirit in which they came.¹⁶

Attorney General Wise KC was a living example of a well meaning man in power who believed that the law was simply not a place for women. He knew that specific legislation was needed to enable women to practice as lawyers, but he would not initiate it because he thought that women were not fitted for court work; but they could be useful in advising and in conveyancing work, and acting as solicitors outside of court. He also believed that men might not agree to their wives being away on juries in criminal cases for three or four days.¹⁷ This unwillingness to allow women to sit on juries would persist even when women gained the right to be barristers and judges. Despite consistently receiving such patronising responses as that articulated by Wise KC from a succession of politicians Annie Golding and her two sisters, Belle Golding and Kate Dwyer¹⁸, persisted with their representations regarding the legal status of women throughout the ensuing decade.

Attorney-General Wise KC was not the only male involved in the law to be derisive of women's aspirations. *The Sydney Morning Herald* of the same year reported a speech by one Judge Woodfall to a gentlemen's establishment known as the *Savage Club* in which he said ladies were even aspiring to become barristers. Whether as counsel or judges he was sure they would be most attractive spectacle. This comment was greeted with much laughter, which echoed throughout his speech.¹⁹ Such mockery of women's aspirations to legal careers percolated throughout the first two decades of the twentieth century and continued even after the bill was passed.

Often the delay in appointing women is referred to as being due to the boys club or a legislating brotherhood a reference to established connections amongst men, which reinforce prejudices and can white ant any proposal for gender inclusivity.²⁰ Women were not a part of any of the informal male power structures of the time. They had not been to those boys schools, which educated the social elite. Such schools as Sydney Grammar, The Kings School and St Ignatius Riverview fostered a strong sense of brotherhood amongst their ex-students through well maintained and much valued alumni associations which could transcend any professional boundaries. Certainly girls schools such as Ada Evans old school, Sydney Girls High, as well as Ascham and Abbotsleigh worked hard to advance the cause of women but they were not part of the rather exclusive GPS network of boys schools. In addition women had not been in the military as many lawyers had, nor had any attended Sydney

University Law School ó apart from Ada Evans. Women did not play rugby or cricket and were thereby excluded from many male bonding opportunities which could facilitate life long relationships.

The lack of informal connections which would facilitate cross gender personal bonds and relationships meant that men became professionally and personally close, but in a manner that could exclude women. An exchange of letters in 1916 between (Sir) Adrian Knox KC and James Murdoch of the Red Cross in London provides a rare glimpse into the way such a 'boys' club' could operate to exclude women. Its significance lies in the power of these men ó Murdoch was the Chief Commissioner of the Red Cross in London. (Sir) Adrian Knox KC was a member of a wealthy family, maintained an extensive association with the Red Cross throughout the war and served on a number of their committees. He was later Chief Justice of the High Court from 1919 to 1930.

'Cock and Hen' Committees

(Sir) Adrian Knox KC lamented having to serve on a particular Red Cross committee then added: "When the war is over I hope I never have to act on a cock & hen committee again ó at least until the next time."²¹ Knox's reference was clearly to the necessity of having to work with women and he was obviously keen to avoid it if at all possible. James Murdoch's reply is most revealing. On 16 December 1916 he wrote to Knox:

I appreciated very much the remark of yours relating to Cock and Hen parties. When I received a suggestion regarding the appointment of three Assistant Lady Commissioners: needless to say, I was not taking any. It appears to me a very strong hand wants to be taken on your side with regard to suggestions similar to those. . .²²

Murdoch's antipathy towards female Assistant Commissioners was eventually overcome, but was obviously noticeable to any woman who had to work with him. Lady Mitchell CBE wrote that when she was appointed to the role of Assistant Red Cross Commissioner in London her task was to resolve various difficulties herself

then, if necessary, confer with Murdoch. She wrote that she did not often find it necessary to trouble him.²³ Her frosty tone concerning Murdoch reaches down through the years. Clearly Murdoch was one who despite all legislation was not going to find working with women easy.

What to wear in Politics?

Stereotyping and outright prejudice cannot be stopped simply through legislation. The problem was that women were simply not a part of the prevailing public landscape. There had to be new codes of behaviour and dress to accommodate the arrival of women in public life. In such a rule-bound time there was concern over the correct clothing women should wear at political meetings. One correspondent going by the name of Wye wrote of the need for a decision as to whether walking dress or evening dress should be worn to such gatherings. She/he described how at one meeting:

some of the women speakers wore evening gowns ó cut low at the neck ó and hats. Some did not wear hats. In the front rows . . . all women wore full evening dress, diamonds, with gowns of sequined net, quite ballóroom raiment. Behind them were rows of less expensive gowns ó all strongly allied to evening dress ó and each owner had her hair elaborately dressed and ribboned and banded. Behind these came the foolish virgins ó and matrons ó those who wore their waiting clothes and consequently kept to the back so they would not spoil the effect.²⁴

Attention to such knotty issues persistently trivialised the debate concerning women's issues at the time. Women were as socially restricted by public opinion as to the correct forms of attire and behaviour as they were physically constrained by the hideous whale-bone corsets which fashion decreed they should endure in the cause of an unnaturally distorted three-hour glass figure. The corsets were a metaphor for the way women's public life was restricted into an unnatural shape, which highlighted

feminine allure and decorative values at the expense of social contribution and achievement.

‘Salon’ Society

A number of women worked hard to reverse the policy that so excluded them from public life. Apart from the Golding sisters, Ada Evans lobbied hard for the admission of women into the law. Rose Scott was another woman who worked to improve the legislative position of women.²⁵ Scott was a member of the older generation of feminists who were considered out of step with the younger activists on occasions. Scott was an advocate of such issues as preventing men from being spectators at women’s swimming meetings ó which would have excluded women from competing in international events. Not everyone agreed with her style but she was still a very significant and persistent lobbyist.

Scott orchestrated Friday evening *salons* in her home in Jersey Road Woolhara. These events were quirky European style meetings of minds, where polite debate, conversation and ornately mannered social intercourse became an art form. They had their origins in Sixteenth Century Italian court life and evoke images of gentlemen scientists in brocaded waistcoats and twinkling, buckled shoes mouthing clever epigrams; where wit was valued and good manners essential. Scott made her salon a legendary, if somewhat anachronistic fixture on Sydney’s social network. The salons were, popular, exclusive and unique.

Rose Scott maintained extensive social connections with the legal profession through these gatherings. Among the attendees was the Sydney barrister, John Daniel Fitzgerald, MLC, who was Vice-President of the Executive Council, and Minister for Public Health and Local Government when the *Women’s Legal Status Bill* was debated in 1916 ó 1918. Another prominent lawyer to attend the salon was the Chief Justice, Sir William Portus Cullen. The utility of the somewhat archaic salons as a means of promoting feminist issues must be called into doubt by the fact that the barrister-politicians, and Attorney’s General Bernard Ringrose Wise KC and William Arthur Holman were also attendees yet did little to help the cause.²⁶ The salons were

places where diverse opinions were encouraged not condemned ó it would have been most impolite to have been so overtly disputatious. Restraint, reason and wit were the hallmarks of salon discourse ó not insisting that an opponent actually acquiesce. John Daniel Fitzgerald MLC wrote to Rose Scott in 1912 about his experience of the salon:

How can you find so many interesting animals for your collection? Where do you dig us all up? Pardon my vanity but I always feel so flattered at being in the company of so many interesting people at your salon. Yours is the last of the salons of the world. I believe they have quite died out in the northern hemisphere. Moreø the pity.²⁷

Despite these regular contacts progress on the issue of women in the law was frustratingly slow. Some women were far more proactive in promulgating the cause.

The repeated deputations concerning the legal status of women to the various state Attorneys-General finally gained some traction when the Labor Attorney General and Sydney barrister, David Robert Hall, indicated his sympathy with the request after he was approached by a deputation of women in September 1913.²⁸ The successful deputation was again led by Miss Golding of the Womenø Progressive Association who cited Victoria, France and America as places where the right had been granted. She said that -it would be just as well to try to crush the oak back into the acorn as crush a woman back to the drudgery of the kitchen.ø²⁹ Although she made the proviso that she did not intend to slight the domestic sphere. The issue of women on juries was one on which even the billø supporters were reticent. While Hall said he would look into the matter he did not know if it was the Parliament or the Supreme Court which had -the power to effect an alteration.ø³⁰ Hall was of a different generation and background from his predecessors, Wise and Wade. He had been educated in Sydney University Law School and knew, Ada Evans who he considered most unfairly treated.³¹ Still, nothing happened immediately ó then everything changed with the war and within days women such as Lady Cullen and her close friend Ethel Curlewis³² were organising public meetings in various locations and giving their houses over to such programs as ambulance classes. Women suddenly operated in the public realm. Womenø war related activities provide the necessary spark which

ignited the issue of their legal status beyond the realm of polite debate and ritualistic annual meetings with condescending Attorneys General.

The First World War and a ‘sympathetic’ Attorney General

Women became much more involved in public life after the outbreak of war in August 1914. Within days there were women speaking in public rallies, organising the plethora of war related charities and becoming enthusiastic, if sometimes strident, speakers in supporting enlistment campaigns. Many lawyers’ wives and daughters, such as Gladys Langer Owen and her mother May, Constance Sly, Lady Cullen and Lady Hughes worked hard to support war related causes. Their successful efforts were obvious to any observer and gave some confidence to the feminist movement. One Elsie Horder, wrote of the belief that the work of women in the Red Cross had entirely demolished the anti-feminist arguments against our usefulness.³³ The Chief Justice and Lieutenant Governor, Sir William Cullen was also one who saw that the many activities of women in the war had given the lead to men who were reluctant to enlist. He was heartily cheered by the crowds when he made such speeches stating at one: ‘I wish to heaven that some of our men showed the same spirit of devotion here in our midst as the women working for the Red Cross through out the length and breadth of this fair land.’³⁴

The deputations to Attorney General Hall continued. There was steady lobbying within the Labor party. While Hall maintained his sympathy and support for women as lawyers in general he held back on the inclusion of them on juries and had some doubts regarding them as magistrates unless they were specifically trained as such. Hall was concerned that serving on a jury was an obligation which might be onerous for women, but he thought they might be important in cases where women or children were concerned. His other difficulty with the jury issue was that there needed to be a list of women willing to serve on juries.³⁵ But no list existed. So women could not be on juries because they were not on juries already. The real reason for his reticence on both issues was later suggested to be that he had reservations about women being in judgment over men.³⁶ Stereotyping of women in the courtroom was common at the time. In a section on the ‘Credibility of Witnesses’ in *An Outline of the Duties of*

Justices of the Peace in new South Wales, the barrister, DS Edwards wrote that
 "Women are often considered to be more prone to exaggeration than men."³⁷

The First Attempt – The Resisters triumph

In mid August 1916 Australia was united in grief and shock over the sudden rush of casualties from the battles of Fromelles and Pozieres on the Western Front. On the Home Front, the work of the Red Cross, and the profile of the women who were in it, became increasingly important. The lobbying regarding the legal status of women by Kate Dwyer and others finally seemed to have been successful when, on 18 August 1916, Attorney-General David Hall stood to read out the *Women's Legal Status Bill* for the first time in New South Wales Legislative Assembly. The bill was intended to allow women to be lawyers and to serve in state parliament. Hall's reading was bracketed by lively discussion concerning some timeless issues of a bill concerning the control of the State's forests and then a scheme to augment Sydney's Water Supply. As with any First Reading, there was no debate. At the time of the reading, Hall's Labor party were fighting like cats in a bag over the conscription issue. It was the last months of the first State Labor Government led by William Holman. The *Women's Legal Status Bill* would have a long history before it was finally passed by both Houses. The New South Wales Parliament contained many wily operators who knew how to thwart legislation, and there were plenty of other issues to distract attention from the cause of women.

A number of background factors explain Hall's presentation of the bill. Although he was involved in the bitter split within the Labor party between the industrial wing and the parliamentarians Hall was following Labor Party policy with respect to women. The 1916 Labor Party conference had passed a motion urging the passage of such a bill. Possibly the death in 1915 of Bernard Ringrose Wise KC and the retirement of Professor Pitt Cobbett from daily involvement in Sydney University in 1910, had removed two powerful opponents to the measure. Also, Hall was most sympathetic to Ada Evans's treatment by Professor Pitt Cobbett at Sydney University as well as her subsequent repeated representation to be admitted to practice.

The Second Reading of the bill occurred on 23 August 1916. Hall gamely introduced the bill by saying that ‘It is one which marks another stage in the advancement of women by the removal of disabilities and disqualifications. . .’³⁸ And then he was interrupted by Thomas Waddell who rose to a point of order.

Waddell, the member for Lyndhurst, was a pastoralist in Western New South Wales. He had 30 years experience in the chamber. He submitted that the bill was out of order because it did ‘not refer in any way to an amendment of the electoral law.’³⁹ Such a direct reference to the acts to be amended was necessary for any bill to proceed. Rising to support the point of order, Sydney barrister and Member for Goulburn in South Western New South Wales, Augustus James asserted that the bill amended ‘the Constitution Act, the Electoral Act, the Local Government Act, the Neglected Children Act, and the Legal Practitioners Act.’⁴⁰ Further support for Waddell’s point of order came from the Liberal member for Orange, JCL Fitzpatrick. He was typical of those who gave limited support for female ambitions. He had supported ‘the right of women to stand for parliament but towards the end of his career claimed that politics seduced them from their homes.’⁴¹ If women were to get into law, there would have to be some knotty procedural issues to circumvent. There were plenty of opportunities within the system for obstructionist tactics. The country based members of the House had managed to construct some effective procedural impedimenta to the reform.

Hall stuck to his guns. He said that it was a question ‘of principle. Every measure must be considered on its merits.’ He claimed that ‘the title of the bill (was) sufficient to indicate the purposes on the bill.’⁴² They ground him down. The Speaker trawled through precedent including the Women’s Franchise Bill, but decided that on balance the Women’s Legal Status Bill as presented by Hall, was out of order. The bill was withdrawn.

Round one went to the resistors.

Hall was nothing if not doggedly determined. On 13 September 1916 he tried again, this time with the *Women’s Legal Status Bill (No. 2)*. He proposed: ‘That this House will, on its next sitting day, resolve itself into a Committee of the Whole to consider

the expediency of bringing in a Bill to provide that women shall not by reason of sex be deemed to hold certain professions; for that purpose to amend the Constitution Act, 1902, the Parliamentary Electorates and Elections Act, 1912, the Acts relating to local government, justices, magistrates, and other legal practitioners, and certain other Acts.ö Again, when asked if he intended to permit women to act as jurors, Hall said he did not.⁴³

Waddell was on his feet immediately, but not with a point of order this time. Instead he articulated some blustering obfuscation, which across the distance of time makes it difficult to decide if he was being serious or sarcastic. At first he suggested separate electorates ÷with the women on one roll and the men on another.ø Then he outlined the nub of his objection. Simply put ÷people would not be satisfied with a lady as their parliamentary representative no matter how estimable she might be.ø His reasons reveal the stereotyping of gender roles common at the time. According to Waddell it was not possible for a woman to ÷look after domestic affairs as well as political affairs (and) properly deal with both.ø Furthermore, he continued, ÷in no case have constituencies taken seriously the candidature of a woman, because they knew it would be impossible for her to deal with the many problems which men have to deal with in political affairs and which men know much more about than women.ø⁴⁴ That was the basis of his argument. Plenty of people in the Chamber disagreed with him ó although the sublimation of women's careers to those of their husbands was well understood. Ada Holman, the wife of Premier William Holman wrote that: ÷women's emancipation has arrived ó oh, yes! But when a wife's work clashes with her husband's we all know which takes precedence.ø⁴⁵

‘The Fair Sex’

The debate ground on and is sometimes difficult to determine whether or not the stereotyping of the supporters was worse than the resisters. Mr Fuller in the Legislative Assembly challenged the image of female incapacity presented by Waddell. In Fuller's words he had ÷had the privilege of an acquaintance with some women who as far as knowledge of land and mining laws is concerned, stand very

much higher than a great number of men . . . Women were in the engineering school, and one of the most capable architects in the city (was) a woman. Then he went on to say that there is no doubt that amongst the fair sex there are plenty of brains, as they show when they get the opportunity of using them.⁴⁶ A modern audience may well find his comments about the fair sex (a term which was often used to describe women at the time) as paternalistic ó a common reaction to reading speeches from those times. According to the various speakers in the debate, men worked, took care of business, organised and managed the country while women's contribution to civilisation was presented as delicacy of feeling and refinement of character. Such stereotyping was not restricted to men. Feminist writers also considered that women needed to break out of their traditional roles and become much more active in public affairs and understand their obligations as citizens.⁴⁷

Unfortunately for the bill, the delay in the Lower House allowed it to be overtaken by the bitter Labor split over conscription. There was an extraordinary political situation on the resumption of parliamentary business on 31 October 1916: there was still, nominally, a Labor government, but the Premier, William Holman, and 20 other previously Labor members were declared to be no longer members of the Labor Party by the industrial dominated governing body of the movement. Holman responded by forming a coalition government and appointed a new cabinet on 15 November 1916, with Hall once again the Attorney-General. Obviously circumstances had overwhelmed the Women's Legal Status Bill. It must have been galling to the various women who lobbied for it. As Rose Scott had feared, the issue of women's legal status lapsed amidst the bitterness of party politics and was lost in the dramas of a State election and the Great Strike of 1917.

Tarred and Feathered and Torn Dresses - Women in Public Life in 1917

It is problematic to profile women in public life during the turbulent year of 1917: a time of spiralling passionate intensity rarely seen in Australian public life. Politics went ballistic. Women were certainly active in public life and were not above lampooning men or presenting themselves in stereotypical ways. Mrs Waugh, President of the Women's Reform League said during her speech in support of the

National Candidates for the 1917 Federal election that "Some of the members of that chamber need to be treated as bad boys - given a severe spanking and placed in a corner for three years."⁴⁸ She may well have had the New South Wales Parliament in mind. Similarly, Mrs Seery who was the selected Labor candidate for Robertson in the same election said in one of her speeches that women "have an equal right to representation. A woman in parliament would be a housekeeper on a grand scale."⁴⁹ Certainly politics needed a moderating hand from someone. As regards, being the "fair sex" circumstances determined that not all women were helpless in the face of adversity.

When one Mrs Frances Egan was declared a "scab" by the Barrier Branch of the Amalgamated Miners' Association she took matters into her own hands. Her direct action included carrying a revolver and approaching certain union officials with it at various times. Eventually she had one of the officials tarred, feathered and whipped through the streets in the middle of the day. She still managed to get a very sympathetic hearing before Mr Justice Pring when she sued for compensation for loss of earnings caused by her blacklisting.⁵⁰

Women's involvement in public life, particularly in 1917, could be as passionate as the men. The issue of compulsory military service provoked what *The Sydney Morning Herald* termed a "most disorderly scene" at a pro-conscription meeting.⁵¹ A group of 20 ladies "hostile" to the idea of compulsion interrupted the meeting

and made a dash at some of the conscriptionists and a free fight followed. Women smacked each other's faces, pulled each other's hair, and hurled objectionable epithets at each other. In the scrimmage many dresses were torn.⁵²

It is intriguing to speculate on what might have happened at Sydney University in July 1914 if the diminutive Adela Pankhurst had been accompanied to her engagement by the pistol-packing, Frances Egan with her pot of tar and bag of feathers, or some of those redoubtable torn and frayed battlers over conscription had gone forth with hockey sticks. The "fair sex" certainly knew just how to scrap to the equal of any men when the occasion arose.

Despite the failure of the first attempt to pass the bill in New South Wales, there were continued calls for women to be more involved in public life. There were ringing public statements that women needed to cease to follow what were they told in school or by their female relatives, but instead to seize the moment and never go back to replough the old forgotten furrow.⁵³ There were also repeated articles in *The Sydney Morning Herald* concerning the nature of feminism.⁵⁴ Lady (Eliza) Cullen, the wife of the Chief Justice, William Portus Cullen, was President of the Australian Red Cross Society in 1916-1917. She adopted a strong public role. On 6 October 1917 she inspected and addressed the quasi-military parade of 1,200 Voluntary Aid Nurses (VADs) assembled in the Sydney Domain. It was an important role for anyone. Her speech contained the simple exhortation to 'Carry on!' This comment became the motto for the Red Cross in the last years of the war.⁵⁵ Her appearance at the parade in front of so many ladies, crisp and neat in their starched white uniforms, marching with military precision reflected her important position in the Red Cross, which had become one of the most high profile non-government organisations in the country. Women were on the march, literally and figuratively speaking.⁵⁶

During the war many influential people such as the Chairman of the State Recruiting Committee, Professor MacIntyre urged women to seek 'definite promises of enlistment from eligible men' in response to the 'urgent need for reinforcements.'⁵⁷ Some women such as Gladys Langer Owen became passionate and regular speakers at recruiting rallies. She put on some extraordinary shows, including flourishing a rifle as the climax of her exhortations to young men to enlist. Her performance was described as 'enthusiasm in excelsis' by *The Sydney Morning Herald*.⁵⁸ There was some criticism of the excesses of such enthusiasm in the *Official History of Australia in the War of 1914-18* in which TW Heney disparagingly referred to a 'Shrieking sisterhood, who took the platform or made the air shudder at afternoon teas and drawing room meetings . . . and, protected by their sex, sneered openly at such young men as they chanced to imagine to be shirkers.'⁵⁹ Heney's comment echoes criticism made in 1917 of some women for the 'objectionable practices (of) taunting and gibing at young men in the audience for not enlisting (and making) references to the 'white feather' and other taunts.⁶⁰ It is possible that some of the women who went into public life carried the cause a little too far.

Sydney University changes its mind

Lobbying for a bill to address the legal status of women continued throughout 1917 and intensified in mid to late 1918. A regular deputationist was Kate Dwyer, the sister of Annie Golding, who had been so patronised by Wise KC in 1904. Rose Scott also accompanied her at different times.

On 18 August 1918 Kate Dwyer gained the agreement of the Senate of the University of Sydney to a request to the State Government for legislation that would enable women to enter the legal profession.⁶¹ At the time the decision to support the legislation was made by the Senate there were a number of prominent lawyers and judges active as fellows, including the Chief Justice William Portus Cullen and Professor John Peden. The University Senate's support indicates that the presence of a more general sympathy for the admission of women to the legal profession amongst the broader legal community.⁶² It may have been significant that the foundation Challis Professor of Law, William Pitt Cobbett, had retired from the Senate.⁶³ Furthermore, Professor John Peden's influence shaping of the law School was just beginning and he was in favour of the measure.⁶⁴ There was general recognition of the need to enrol more women in Sydney University. In 1916 there were 459 women students at Sydney University and in March 1917 the Sydney University Women's Union opened Manning House. Lady Cullen, the wife of the Chancellor and patron of the union (Chief Justice Sir William Cullen) performed the opening ceremony. The official party included Sir William Cullen, Judge Backhouse and Mr Justice Street.⁶⁵ There were no fire crackers or rocks on the roof at this ceremony.

Following on from the vote of support by Sydney University Kate Dwyer led a delegation to Attorney General Hall on 20 August 1918. Rose Scott accompanied her along with representatives of the Women's Reform league, the Women's Progressive Association, the Women's branch of the National Association, the Feminist Club, the Domestic Workers' Union, the Horticultural Society, the Public Service Association, the Vocations Club (Technical Colleges), the New South Wales Association of Women Workers, the Caterers and Waitresses Union and the Social Hygiene Association. Again Hall replied 'sympathetically' to this formidable phalanx of

women from all manner of organisations.⁶⁶ There was continuing publicity and various mentions in parliament about when the bill would be introduced. Hall was energised anew. The general mood by 1918 was that the reform was overdue ó but the legislation still had to pass through the tangled thicket of parliamentary procedures.

October 1918: Attorney General Hall tries again

On 3 October 1918, in the last weeks of the war and following increasing public agitation, the Attorney General David Hall again introduced a bill to provide that women shall not, by reason of sex, be deemed to be under any disqualification to hold certain positions or to practice certain professions (including) local government, justices, magistrates, and legal practitioners.⁶⁷ The bill would allow women to be lawyers and to sit as members of State Parliament. They were already allowed to sit in Federal Parliament.

He gave as his reason the fact

that the work of women during this war shows that they are well able to do their part, and . . . we, who boast to be the most advanced state, are probably the least up to date state in Australia. I do not think there is any other State where a woman may pass an examination to become a barrister or a solicitor but who is not permitted to practice. I remember one woman who passed her examination for admission to the bar seventeen or eighteen years ago when the Chairman and I were studying for the bar. She passed as well as we did . . . but she has not been permitted to practice. She has occasionally communicated with my department asking that she be permitted to practice.⁶⁸

He was clearly referring to Ada Evans. Reference to the advances of the women's movement resonated throughout Hall's speeches in support of the bill. Hall referred to the way the British suffragist movement which created so much trouble for the authorities prior to the war, had changed to support the war and that Mrs Pankhurst (Adela's mother) who was at the start of the war recovering from a hunger strike, went up and down England telling the women that to do nothing when the nation needed help was a crime.⁶⁹ Hall proved a worthy advocate of the bill. All supporting speeches mentioned as their reason that women had proved themselves during the war

ó although that support did not necessarily mean that all women would be well treated when the bill was passed.

John Storey, Leader of the Labor Opposition, spoke in support of the bill. His hyperbole suggests that the bill was the subject of some derision even amongst those who claimed to support it. He said that women would improve the 'morale' and the 'morals' of parliament would 'without a doubt revolutionise the whole of our judiciary and the whole of [the] law code'. He not could help having a sarcastic swipe at his enemies in the legal profession and said that 'with so many old women practising in the courts that it will be a good thing if we can bring in a few young women who will assist us in the better interpretation of the laws'. He too referred to the fact that the war had 'shown that women were capable of doing 'certain classes of work better than men'.⁷⁰ Storey later suggested that one of his reasons for supporting it was his hope that it would change the nature of the judiciary ó which he held in some disdain.⁷¹ He said 'Almost every man who appears in court thinks that the presiding official is the worst old woman he has ever met. As for justice of the peace, I know of such extraordinary decisions given by them in the country that I could not think of a woman who would do anything so silly'.⁷²

Another significant supporter of the bill was the comparatively recently elected Member for the seat of Gordon on Sydney's North Shore ó Thomas Rainsford Bavin. He was one of the most influential barristers in the State, having acted for the sprawling business enterprise, Colonial Sugar Refinery Ltd. He was a member of the Sydney University Senate, a member of the Bar Council and connected to the highest levels of government and the judiciary. The combination of both Bavin and Professor John Peden (who had been appointed recently as a member of the Upper House) in supporting the legislation proved a powerful force in favour of the bill. They often acted in tandem to secure legislation during their time in parliament.⁷³

Bavin said in his speech that

If any Honourable Member had any doubt before the war as to the right of women to be invested with the full obligations of citizenship, that doubt must have been removed.

He was aware of the technical difficulty which arose from the definition of a person as a male person unless otherwise stated⁷⁴ and he wished to ensure that the legislation was worded correctly to prevent any inconsistency. It was a neat point and displayed his awareness of the legal technicalities that could bedevil the bill. His amendment was not supported by the House, but raised the ire of one Jabez Wright, the feisty, 60-year-old Labor Member for Wilyama who took the opportunity to take a swipe at the way a lawyer can amend a bill so as to make it ambiguous.⁷⁵ Antipathy towards the judiciary was certainly strong amongst Labor members of Parliament at the time. Wright had disparagingly once referred to Holman's Nationalist Government as having 'too many laws and too many lawyers.'⁷⁶ In a fit of post-Labor-split bile he had fulminated that the 'government is a government of lawyers'⁷⁶ - which he considered a self-evident ultimate condemnation of their worth. His reasoning was perhaps coloured by the fact that the Labor Party had expelled all its lawyers during the split over conscription. Members such as Jabez Wright were able to connect any bill to some strange personal agendas and attitudes. Wright's speeches displayed a kind of free association style which rapidly took his perorations into a parallel universe. The bill for women's legal status just had to ramble along with him. He generally supplied the comic relief to the chamber - even if it was unintentional. The problem was that the women's legal status bill was mocked by way of association.

The Member for Burrangong, Mr Loughlin commented on the 'levity' that was displayed during the debate. Such levity by men was endemic during any discussion of women's rights. It must have been galling to women to have to endure the smirks, chuckles and condescension which marked the issue at all levels - even when it was being passed through parliament. Loughlin also mentioned that civilisation should measure itself by the way it treats women. His choice of example was, however, unfortunate. He said:

You can go into a black's camp and you will find that old King Billy takes all the flesh off the hind legs of the opossum or the wallaby and throws the bone over his shoulder to his gin. That corresponds more or less with the treatment accorded to women folk in the lower grades of civilisation throughout the world.⁷⁷

The themes which resonated throughout the debate were: the absurdity of allowing women to sit in Federal but not State Parliament; that giving full rights to women was both just and a measure of civilisation, and that the activities and behaviour of women during the war justified the change in status.. There was remarkably little reference to England as a precedent. New South Wales Parliament was still intimately loyal to Great Britain but not slavishly derivative.

Despite the overall support for the measure there were also persistent signs that the men still thought of the bill as some kind of gift from them to women, who had somehow proved themselves worthy of it at last, and that they would be useful helpers in the process of running the country. For example one speaker said that he thought that women had certain subtleties of character, certain intuitions, which would probably be of great assistance to us (referring to men) in law-making.⁷⁸ These comments indicate the extent to which women were stereotyped along with comments concerning women's delicacy of feeling and refinement of character.⁷⁹ There was still a feeling that the nastier aspects of the world were somehow beneath women's sensitivities.

Out of Order in the Legislative Council

So the bill moved to the Legislative Council on 28 November 1918, but again it hit a substantial procedural block. The Honourable John Garland KC, the Minister of Justice and Solicitor-General proposed that the bill be read a first time, but then the President, Mr Fred Flowers, reluctantly intervened to rule that since the bill was intended to vary the constitution of the Legislative Council it had to originate within that chamber. Since it had originated in the Legislative Assembly it was a direct invasion of the privileges of the Legislative Council, and the bill was ruled out of order. It was then withdrawn.⁸⁰ While the point may well have been trivial it is an

indication of just how difficult it was to overcome the entrenched systemic exclusion of women from public life ó even when the men were willing to do so. The bill then had to return to the Legislative Assembly where the proposal to appoint women to the Upper House was removed. Then it was passed again by the Lower House on the same day as it was dismissed from the Legislative Council. Appointments to the Legislative Council were meant to be representative of every section of the community⁸¹ ó except women.

On 5 December 1918 the bill was presented to the Legislative Council by Garland KC. Once again references to the war resonated throughout the speeches as justification for the reform. George Black was quite poetic when he expressed his gratification that the course of the war (had) struck off, as with the blow of a sword, those fetters of conventionality which the centuries have imposed on women.⁸²

One Dr Nash, an Honorary Lieutenant Colonel and medico from the Hunter Valley, opposed the bill. To him, women were as good authorities as men on lots of subjects with which they and their children (were) concerned. However he also believed that there were many things not within the province of a woman.⁸³ Nash believed that the business of a woman in life (was) to be the mother of the children of the country.⁸⁴ He had lived to this ideal in his private life, where his wife had born him six daughters. He had his supporters in the House. There were clearly more opponents to the bill in the Legislative Council than there were in the Assembly. These men put forward the usual reasons including that: women did not want to be lawyers; men knew more about the world of business; the bill would destroy chivalry; women had been failures as police officers and that fundamentally the whole idea was simply absurd. To one member, it would be an absolute failure if a woman was ever appointed to the Supreme Court.⁸⁵ Barrister, John Daniel Fitzgerald, quite possibly recalling his stimulating nights in Rose Scott's salon, vigorously opposed Nash and supported the bill.

The somewhat derisory tone of the debate made for some sarcastic stereotyping. SR Innes-Noad speculated on the scenario of a mother who might become a Member of Parliament having to pass her baby to be held by someone in the chamber while she spoke on an issue.⁸⁶ Another member commented that the bill was an innocent

measure because it was unlikely that a woman would ever be appointed as a judge anyway.⁸⁷ But Nash and his supporters were in the minority. Hall and his supporters had won.

The bill to allow women into the legal profession and the New South Wales Legislative Assembly finally passed 26 November 1918. According to HV Evatt it was the main achievement of an otherwise fractious and non-productive parliamentary session.⁸⁸ Maybe so, but the bill did not allow women to be appointed to the Legislative Council. Women were not accorded that right until 1926. Similarly, the Act did not allow women to sit on juries. In addition, there were still many obstacles to face in the form of entrenched misogyny at the grass roots level. In Beecroft, a suburb in Sydney's northwest, several ladies in late 1918 felt that they could give the Progress Association valuable assistance in certain matters. Considering the success of the local women in organising the Red Cross such an offer was obviously backed by history, but the president of the Association said that he felt rather frightened at the idea of introducing ladies. No one in the association could find a rulebook to consult and it was felt that males would drop out if ladies became members. The meeting broke up in laughter at the prospect of the fair sex joining their august but often dyspeptic and dysfunctional deliberations.⁸⁹ The situation was little better in some legal circles. Male law students at Sydney University in the 1920s were openly hostile to the few women who ventured into their realm. Some of the young men's behaviours, such as catcalling and foot stamping in classes attended by the two pioneering women, Marie Byles and Sybil Morrison,⁹⁰ were reminiscent of that experienced by Adela Pankhurst in 1914.

Conclusion

While women had been agitating for justice since Federation it was their activity during the war, which provided the legislators with the public justification they needed to pass the necessary Act. Admiration and respect for the role of women in the war echoed throughout the speeches in support of the act. The speakers no doubt had

in mind the extraordinarily successful activities of women in the Red Cross, the Volunteer Aid Detachments, Recruiting Campaigns and of course the personal support and tragic grief involving those who served. Lawyers' wives were a particularly influential group who supported the war. Women such as Lady Hughes, Lady Cullen, Mrs Langer Owen, Mrs Ethel Curlewis, Mrs Sly and many others made an incontestable case as to their worth in public life.⁹¹ Regardless of whether or not the women involved in charities were rich or poor, they made an immense contribution to public life during the First World War. As a result of their public activity women were able to put a forceful case for their inclusion in formal legal office. Even the previously intransigent lawyers and legislators had to take notice. The role of such women in the operation of charitable organisations at the time is not fully appreciated even today. Their story has yet to be told in full.⁹²

Despite the Act there was still some time before women were able to take up the positions theoretically open to them. While there was overall support from both sides of parliament, speakers did not give unqualified support for the bill. Each speaker had some reservation or another about the role or responsibility of women in public life. Such avoidance of articulating unreserved support suggests that the legislative brotherhood unconsciously or not harboured doubts about the whole enterprise. There were entrenched attitudes which excluded women from public life.

Regardless of the difficulties in implementing the law over the coming decades the passing of the bill heralded a new epoch for women and the legal profession. It gave women the legal right to fulfil their potential as citizens and contribute to the body politic in increasingly influential ways. The fact that there are women lawyers now is due to the persistent lobbying by Rose Scott, Kate Dwyer, Annie and Belle Golding as well as many others. In addition, the change was also due to the willingness of Attorney-General David Robert Hall to face his fellow men in parliament, endure their somewhat derisive, mocking responses and persist in trying to get the *Women's Legal Status Act* passed. But ultimately it was the great range of war related activities conducted so effectively by women which made it impossible to say 'No' to their claim for equal status in the law.

Endnote:

The author teaches English and History and is the Senior Studies Coordinator at St Pius X College at Chatswood. This article extends the research presented in two working papers on the legal profession in World War One, which may be accessed on the website for the Forbes Society for Australian Legal History at <http://www.forbessociety.org.au/>. People with information or interest concerning this topic are keenly invited to contact the author at: acunneen@bigpond.net.au. His previous articles in *Bar News* were on Supreme Court Judges in World War I and the Passage of the Judges' Retirement Act of 1918.

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Footnotes

- ¹ Rose Scott, 'Laws Women Need' - Speech to the National Council of Women 1912. Quoted in J A Allen *Rose Scott: Vision and Revision in Feminism*. OUP Melbourne 1994, 218 & 223.
- ² Edmund Barton Policy Speech Maitland Reported in M. Dalrymple Hay *Reminisces of the Law School and Barristers Practising*. Unpublished and undated manuscript. New South Wales Bar Association .
- ³ F C Hutley Cobbett William Pitt *Australian Dictionary of Biography*
<http://adbonline.anu.edu.au/biogs/A080044b.htm>
- ⁴ Joan M O'Brien Evans, Ada Emily *Australian Dictionary of Biography*.
<http://adbonline.anu.edu.au/biogs/A080468b.htm>
- ⁵ J M Bennett 'Out of Nothing . . . Professor Pitt Cobbett 1890 & 1909' in J and J Mackinolyt *A Century Downtown: Sydney University Law School's First Hundred years*. The Sydney University Law School, 1991. 41- 42.
- ⁶ Present day Selborne Chambers occupies the same site. The Law School moved into University Chambers early in the war.
- ⁷ Linda J Kirk 'Portia's Place: Australia's First Women Lawyer' in *The Australian Journal of Legal History*, 1, 1995 75 & 91. She quotes Professor Jethro Brown in J Bavin (ed) *The Jubilee Book of the Law School of the University of Sydney, 1890 – 1940*.
- ⁸ Rosalind Atherton 'Early Women Barristers in NSW' In Lindsay, G & Webster, C (eds) (2002) *The NSW Bar 1824 & 1900 in No Mere Mouthpiece – Servants of all, yet of none*. LexisNexis Butterworths Australia, 121
- ⁹ She was the daughter of Emmeline Pankhurst, and sister to Christabel and Sylvia & a family of well known suffragettes. See Susan Hogan, Pankhurst, Adela Constantia Mary *Australian Dictionary of Biography* <http://adbonline.anu.edu.au/biogs/A120729b.htm>
- ¹⁰ The incident is well reported in a variety of newspapers of July 1914 including issues of *The Sydney Morning Herald*, *The Sydney Mail* and related publications
- ¹¹ Enid Campbell 'Women and the Exercise of Public Functions' in the *Adelaide Law Review*. Vol 1. No 2. 1961. Pp 190 - 204 . This article gives a good outline of the legal background to the notion that a person was a man, unless otherwise stated.
- ¹² M Thornton *Dissonance and Distrust: Women in the Legal Profession*, Oxford University Press, Melbourne, 1996, p 49 quoted in Atherton , 118.
- ¹³ J A Allen, pgs.213 & 214.
- ¹⁴ Ursula Bygott & Ken Cable. *Pioneer Women Graduates of the University of Sydney 1818 – 1921* Sydney University Monographs Number One, Sydney 1985, p. 43. Quoted in Atherton, p. 113.
- ¹⁵ Beverley Kingston 'Golding, Annie Mackenzie (1855 & 1934)' *Australian Dictionary of Biography*. Online edition <http://adbonline.anu.edu.au/biogs/A090040b.htm>
- ¹⁶ 'Rights of Women' *Sydney Morning Herald* 25 February 1904, p 5
- ¹⁷ 'Rights of Women' *Sydney Morning Herald* 25 February 1904, p 5
- ¹⁸ Viva Gallego Dwyer, Catherine Winifred (Kate) *Australian Dictionary of Biography*
<http://adbonline.anu.edu.au/biogs/A080412b.htm>
- ¹⁹ 'Judge's Plea for Women' *Sydney Morning Herald* 22 June 1904, p 7
- ²⁰ See J A Allen's Chapter on this topic.
- ²¹ Knox, Sir Adrian (1916) *Letter to Murdoch*. Red Cross Archives. Melbourne.
- ²² Murdoch *Letter to Knox*. 27 December 1916.
- ²³ Lady Mitchell CBE. *Three Quarters of a Century*. 1940 Methuen & Co. London . 161.
- ²⁴ 'Dress and Politics' *The Sydney Morning Herald* 7 December 1910, P.5
- ²⁵ J A Allen 213
- ²⁶ Bernard Wise was the New South Wales Attorney General September 1899 & June 1904) and Minister of Justice (July 1901 & June 1904)
- ²⁷ RD Fitzgerald to Rose Scott 1912 quoted in JA Allen, 214.
- ²⁸ Atherton 119-120 See Also Enid Campbell Women and the exercise of public functions in *The Adelaide Law Review* 1961; 1(2): 190-204 Available at <http://digital.library.adelaide.edu.au/dspace/handle/2440/15596>
- ²⁹ 'Claims of Women & Bench Bar and Jury & A Sympathetic Minister' *The Sydney Morning Herald* 22 September 1913, p9
- ³⁰ 'Claims of Women & Bench Bar and Jury & A Sympathetic Minister' p9
- ³¹ Atherton 'Early Women Barristers in NSW' In Lindsay, G & Webster, C (eds) (2002) *The NSW Bar 1824 & 1900 in No Mere Mouthpiece – Servants of all, yet of none*. LexisNexis Butterworths Australia

- ³² Ethel Curlewis was the author Ethel Turner who wrote *Seven Little Australians* amongst other books. Her husband was a prominent barrister appointed Judge in 1917. Lady Eliza Cullen was the wife of the Chief Justice Sir William Portus Cullen. The two families lived near each other in Balmoral.
- ³³ Elsie Horder. 'Women and the War' in *The NSW Red Cross Record* I, 11 Feb 1915. 47.
- ³⁴ 'Getting the men & Recruiting problems' *The Sydney Morning Herald* 24 July 1917, p.16.
- ³⁵ 'Right to legal Career Sought: A Sympathetic Minister' *The Sydney Morning Herald* 19 August 1915, 8.
- ³⁶ 'Women's Rights: Deputation to Mr Hall' *The Sydney Morning Herald* 21 August 1918, 13.
- ³⁷ DS Edwards *An Outline of the Duties of Justices of the peace in New South Wales*, 1924 The law Book Company Sydney . 128.
- ³⁸ NSWPD 1916, 1095
- ³⁹ NSWPD 1916, 1095-1096
- ⁴⁰ NSWPD 1916, pp 1096-1097
- ⁴¹ Jill Waterhouse, 'Fitzpatrick, John Charles Lucas' *Australian Dictionary of Biography*. <http://adbonline.anu.edu.au/biogs/A080535b.htm>
- ⁴² NSWPD 1916, 1097
- ⁴³ NSWPD 1916, 1793
- ⁴⁴ NSWPD 1916, 1793
- ⁴⁵ Ada Holman *Memoirs of a Premier's Wife*. Angus & Robertson, Sydney. P5. This book was correctly described as 'disappointing' by Dr Heather Radi. In Holman, Ada Augusta *Australian Dictionary of Biography*. <http://adbonline.anu.edu.au/biogs/A090343b.htm> Ada Homan generally managed to write a gossipy series of anecdotes about famous people she met with little attempt give any explanation or commentary about events which she must have been party to.
- ⁴⁶ NSWPD 1916, 1792
- ⁴⁷ Jessie Ackermann. *Australia from a Woman's Point of View* originally published by Cassell and Coy Ltd Melbourne 1913. Republished by Cassell and Coy Ltd 1918, p 192. Ackerman was an acute observer of Australia and commented that while Australian women needed to be granted more rights they also had to be more involved in public life.
- ⁴⁸ 'Federal Elections & Women's Reform league' *The Sydney Morning Herald*, 13 April 1917, p 9.
- ⁴⁹ 'Woman Candidate' *The Sydney Morning Herald*, 13 April 1917. p10.
- ⁵⁰ 'Law Report: A Cook's Complaint' *The Sydney Morning Herald* 24 March 1917 p 12.
- ⁵¹ 'Women Fight' *The Sydney Morning Herald* 10 July 1917, 8.
- ⁵² 'Women Fight' *The Sydney Morning Herald* 10 July 1917, 8.
- ⁵³ 'Public Opinion' *The Sydney Morning Herald* 2 May 1917, 12.
- ⁵⁴ One example would be 'What is Feminism' *The Sydney Morning Herald* 25 July 1917 P.6 which gave a critical analysis of a book *The Intelligence of Woman* by one Mr WL George. The article dealt with the notion of the 'sex war' amongst other issues.
- ⁵⁵ *The Red Cross Record*. 8 January 1918. This wartime record is a major primary source of information concerning the Red Cross in World War I
- ⁵⁶ This item was first mentioned by the author in *Bar News*, Winter, 2009.
- ⁵⁷ 'Win the War league: Women's Sphere of Help' *The Sydney Morning Herald* 4 January 1917, 7
- ⁵⁸ 'Recruiting & Martin Place' *The Sydney Morning Herald* 28 July 1917, 13.
- ⁵⁹ TW Heney, quoted in Ernest Scott *Official History of Australia in the War of 1914-18* Vol. XI Australia During the War. Angus & Robertson Australia. P 317.
- ⁶⁰ John D Fitzgerald 'The new Recruiting Campaign' in *The Sydney Morning Herald*, January 1917, 12
- ⁶¹ Atherton 120
- ⁶² Other lawyers on the Senate at the time included Judge Alfred Backhouse, Sir Samuel Griffith, Sir Edmund Barton, Sir Philip Street, Frank Leverrier KC, John Garland KC, Albert Piddington KC, Sir John Peden, Sir David Ferguson, and Sir Daniel Levy
- ⁶³ J Mackinolty 'Learned Practitioners' in J and J Mackinolty *A Century Downtown: Sydney University Law School's First Hundred Years*. Sydney University law School, Southwood Press, 1991, 59-60.
- ⁶⁴ J Mackinolty, 58
- ⁶⁵ 'University Women's Union & Opening of Manning House' *The Sydney Morning Herald* 27 March 1917 p9
- ⁶⁶ 'Women's Rights: Deputation to Mr Hall' *The Sydney Morning Herald* 21 August 1918, 13.
- ⁶⁷ NSWPD 1918, 1954
- ⁶⁸ NSWPD 1918, 1955
- ⁶⁹ NSWPD, 1918,2946

⁷⁰ NSWPD 1918, 1955

⁷¹ For an account of Storey's opinion of judges see 'A Creature of a Momentary Panic' by the author in *Bar News* Winter, 2010.

⁷² NSWPD 1918, 2949

⁷³ Hay, 3

⁷⁴ NZWPD 1918, 2954

⁷⁵ NSWPD 1918, 2955

⁷⁶ NSWPD, 1918, 2040

⁷⁷ NSWPD 1918, 2951

⁷⁸ NSWPD 1918, 2951

⁷⁹ NSWPD 1918, 2951

⁸⁰ NSWPD 1918, 3067-3068.

⁸¹ 'State Parliament to Open on Tuesday.' *The Sydney Morning Herald* 12 April 1917, 15

⁸² NSWPD 1918, 3461-3462

⁸³ NSWPD 1918, 3463

⁸⁴ NSWPD 1918, 3465

⁸⁵ NSWPD 1918, 3467

⁸⁶ NSWPD 1918, 3466

⁸⁷ NSWPD, 1918, 3469.

⁸⁸ HV Evatt KC. *Australian Labour Leader: The Story of WA Holman and the Labour Movement.*

Angus and Robertson Ltd. 1945. p467

⁸⁹ 'Women in Beecroft Progress Association' *The Cumberland Argus and Fruitgrowers' Advocate*, 19 November 1918, 6.

⁹⁰ Linda J Kirk, 76.

⁹¹ The role of charitable organisations in World War I and women's role in particular have received insufficient attention, although some pioneering work has been done by Professor Melanie Oppenheimer and others, including Josephine Kildea in her excellent thesis on Miss Chomley.

⁹² Some mention is made of the role of lawyers' wives in the First World War in articles by the author available in *Bar News* and on the website of the Francis Forbes Society for Australian Legal History website.