

PORTIA'S PLACE: AUSTRALIA'S FIRST WOMEN LAWYERS

FOLLOWING the centenary year of women's suffrage in South Australia, it is interesting to reflect upon the achievements of the early women pioneers in the legal profession. Whereas the legal profession has existed since medieval times and the professional division between barrister and solicitor was defined and regulated in England from the sixteenth century, it was only this century that women were permitted to practise law.

This article documents and celebrates the courage and determination of the women pioneers in Australia who struggled to mark the place of women in the legal profession. Women lawyers and the profession as a whole owe much to these women who were prepared to take the bold and unprecedented steps required to pave the way for all those who would follow.

PORTIA GOES TO LAW SCHOOL

In its Inaugural Ceremony on 13 April 1855, Sir Redmond Barry claimed that the University of Melbourne "was open to all classes of Her Majesty's subjects, who are freely invited to enter".¹ Despite this claim, for many years the invitees were required to be male. It was not until 1897 that the first female law student at the University of Melbourne, Grata Flos Matilda Grieg, enrolled in Arts and Law.² Aware of her sister Janet's experience at the University's Medical School, she expected to encounter difficulties but found that, although some of her fellow students disapproved of her presence, they did not make her time at the University unpleasant.³ She was later to recall that while a student, and after her

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1 Campbell, *A History of the Melbourne Law School, 1857-1973* (Faculty of Law, University of Melbourne, Parkville 1977) p25.

2 As above p26. It was quite possibly the belief that no woman would ever be permitted to practise which discouraged women from embarking on law courses at the University.

3 Ewing, "Laying the Foundation Stone for Legal Women" (1992) 66 *LJ* 159 at 159.

admission, she had not encountered prejudice.⁴ She stated that while at university, and throughout all of her course, she "received on every side nothing but the utmost courtesy and kindly consideration".⁵ Grieg graduated in 1903 and was to become the first female to be admitted to practice in Australia.

In 1899, Ada Emily Evans enrolled in the University of Sydney Law School after graduating in Arts in 1895.⁶ Her mother came from a legal family and, through her friend Dr Kate Hogg, a member of the Sydney Medical Mission, she became aware of the predicament of many women in the inner Sydney suburbs and was appalled at the apparent injustices and indignities these women experienced at the hands of the all male legal fraternity.⁷ Frequently she was told by these women how much they needed a woman lawyer in whom they could confide, who would listen with sympathy and compassion to their grievances, and who could represent them.⁸ Her enrolment in law subjects was made possible by the absence on leave of the Dean, Professor Pitt Cobbett. His position had been filled by Professor Jethro Brown who was sympathetic to and encouraged the eager young student.⁹ She was later to be told that had Professor Cobbett been the Dean at the time, she would not have been permitted to enrol in law subjects because in 1899 the legal profession was closed to women.¹⁰

It is reported that, on his return from leave, Professor Cobbett demanded: "Who is this woman?"¹¹ This was followed by "a series of doors slamming, chairs banging on floors and bells ringing".¹² Professor Cobbett then summoned Evans and attempted to dissuade her from continuing her course, pointing out that she did not have the physique for

4 At 160.

5 Campbell, *A History of the Melbourne Law School, 1857-1973* p29.

6 McPaul, "A Woman Pioneer" (1948) 22 *ALJ* 1 at 2.

7 Kok, O'Brien & Teale, "In the Office and at the Bar" in Mackinolty & Radi (eds), *In Pursuit of Justice: Australian Women and the Law, 1788-1979* (Hale & Iremonger, Sydney 1979) p182.

8 Teale & O'Brien, "Women in Law: A Study of Women Lawyers in New South Wales, 1902-45" in *Australian Women and the Law* (Seminar on Women and the Law, University of Sydney, Sydney 1978) p2.

9 McPaul, "A Woman Pioneer" (1948) 22 *ALJ* 1 at 2.

10 Kok, O'Brien & Teale, "In the Office and at the Bar" in Mackinolty & Radi (eds), *In Pursuit of Justice: Australian Women and the Law, 1788-1979* p182.

11 McPaul, "A Woman Pioneer" (1948) 22 *ALJ* 1 at 2.

12 Bavin (ed), *The Jubilee Book of the Law School of the University of Sydney, 1890-1940* (Halstead Press, Sydney 1940) p62.

law and suggesting medicine as a more suitable vocation.¹³ Evans persisted, gathering strength from the encouraging words of Professor Jethro Brown who wrote to her: "If you cannot reap all the rewards of your toil, the greater glory will be yours of sowing that others may reap - the glory of the pioneer."¹⁴ Evans was the first female law graduate of the University of Sydney in 1902.

It was not until 1921 that Marie Beuzeville Byles and Sybil Enid Vera Munro Morrison were to follow Evans' lead. Despite the approval of the then Dean of the University of Sydney Law School, Sir John Peden, their path was not smooth. The male students, mostly ex-servicemen, "disrupted their classes by catcalls and footstamping".¹⁵ The staff were also often critical of these pioneering women. Mr David Edwards, when asked if he minded the presence of Miss Byles in his lectures on crime, replied that she cramped his style.¹⁶ The facilities for these women were deplorable, "not even a peg to hang their hats, let alone space to powder their noses".¹⁷ But persistence won through and both women graduated in 1924.

Following in the footsteps of Grieg was Anna Teresa Brennan who commenced law studies at the University of Melbourne in 1906, graduating in 1909. She was the first Australian-born woman lawyer and a member of a family well-known in law, politics and journalism.¹⁸ Between 1913 and 1930, only 10 females graduated in law from the University of Melbourne.¹⁹ One of them was Joan Rosanove (*nee* Lazarus), who was to become Victoria's first woman barrister. She recalls that, when she attended lectures at the University, her male peers showed no hostility toward her but that the law lecturers tried to ignore the women in their classes. Professor Harrison Moore, for example, addressed his students as "Gentlemen", while "the nervous stuttering of her lecturer in Contract" (later Sir John Latham) she attributed to the female member of his audience.²⁰ Rosanove blamed the small number of women embarking

13 As above.

14 Brown to Evans, cited in Bavin (ed), *The Jubilee Book of the Law School of the University of Sydney, 1890-1940* p62.

15 Bygott & Cable, *Pioneer Women Graduates of the University of Sydney, 1881-1921* (University of Sydney, Sydney 1985) p43.

16 Bavin (ed), *The Jubilee Book of the Law School of the University of Sydney, 1890-1940* p63.

17 As above p65.

18 Campbell, *A History of the Melbourne Law School, 1857-1973* p29.

19 As above p30.

20 As above.

on law as a career on a variety of factors, ranging from "tradition and male prejudice" to "women's own timidity".²¹

The University of Adelaide permitted women to attend classes in all subjects from the time teaching commenced in 1876.²² (The South Australian Government had made early and successful efforts to persuade the British Government to permit women to be admitted to degrees at the University.) Teaching began at the Law School in 1883, but it was not until 1910 that a woman, Doris Egerton Jones, enrolled in law subjects. She successfully completed three courses with honours in each, but graduated only with a Bachelor of Arts in 1911.²³ In 1912, South Australia's first female law graduate, Mary Cecil Kitson, began studies at the Law School.²⁴ After graduating with a Bachelor of Laws degree from the University of Adelaide in 1916, she went on to become the first female to be admitted to practice in South Australia in October 1917.²⁵ Although other women were slow in following Kitson's lead, by 1924 three other women had graduated from the Law School and had been admitted as legal practitioners. Aileen Constance Ingleby and Dorothy Christine Sommerville entered the Law School in 1918.²⁶ Ingleby recalls that she and Sommerville were two women in a class of 20, and that women students were quite unusual. In one class the lecturer announced: "You women mar my class."²⁷

In 1927, the Law School at the University of Western Australia admitted its first students. Among its first undergraduates were four women enrolled as full-time students, Sheila McClemons, Molly Kingston, Kathleen Hartrey and Margaret Battye. McClemons recalled that there was never the slightest attempt at the Law School to treat women differently from men.²⁸

21 As above.

22 Castles, Ligertwood & Kelly (eds), *Law on North Terrace: The Adelaide University Law School, 1883-1983* (Faculty of Law, University of Adelaide, Adelaide 1983) p22. The right of women to be awarded law as well as other degrees equally with men had been approved in Letters Patent issued in 1881 and by local legislation.

23 As above.

24 As above.

25 As above.

26 Mackinnon, *The New Women: Adelaide's Early Women Graduates* (Wakefield Press, Adelaide 1986) p135.

27 As above.

28 Byrne, "Just Dears: Western Australia's First Women Lawyers" (1994) 21 *Brief* 13 at 13.

However the arrival of women at law schools was not always accepted with equanimity. In June 1895 the University of Melbourne Law Students' Society journal, *The Summons*, published an article entitled "The Bench, A Prospective".²⁹ The contributor envisaged a woman on the Bench a century on in 1995 and cast her as "Lady Justice Amazon, a lady of great integrity but little ability", who was "also the Fashion correspondent to the leading society paper" and whose pre-occupation with the dress of the ladies present meant that "the arguments of counsel were entirely lost on her".³⁰ He continued:

We are living now in an epoch bristling with the feminine gender, in a period wherein man is receding from spheres and provinces wherein, till recently, he enjoyed predominance and peace ... We have the woman doctor, are threatened with the woman politician, and now, *horribile dictu* they have set their eager optics on the Law ... and when they have secured and established their right to sit on the Woolsack, all doubts respecting judicial independence will be dispelled.

Oh ye bearded and worthless tyrants! Are you blind to the disaster and ruin that not only confronts you, but which threatens you with imminent extermination? Are you heedless of the effects these inroads and approaches will have on your liberties? Arouse yourself from your fool's paradise and although the lazy ones among you prefer to swim with the current and permit this encroachment, those of you at least who possess the courage will no doubt stand on your rights and give no toleration to these intruders.³¹

Following Grieg's admission to law studies in 1897, the all-male Law Students' Society at the University of Melbourne thought that the entry of women into the profession was sufficiently imminent to be debated.³² *Alma Mater* reported that during the course of the debate it was argued that "women would make excellent cross-examiners but execrable

29 *The Summons*, June 1895, cited in Campbell, *A History of the Melbourne Law School, 1857-1973* p26.

30 As above.

31 As above.

32 Ewing, "Laying the Foundation Stone for Legal Women" (1992) 66 *LJ* 159 at 159.

confidential advisors".³³ A vote was taken "and the gentlemen present, desirous of demonstrating that the alleged conservatism of the legal profession is corporate and not individual", voted overwhelmingly in favour of women lawyers entering the profession.³⁴ However it was not until 1913 that women were permitted to become members of the Law Students' Society.³⁵

Reaction to the entry of women into the Law School in South Australia was just as sceptical. In a letter to *The Register* on 17 November 1911, an anonymous writer identified only as "Not a Student Now" put forward his reasons for the rejection of the Female Law Practitioners Bill, then under consideration in the Legislative Council.

The first year I attended lectures on the law of contracts the professor gave us several pages of notes on the question of 'unmoral considerations'. The following year, when a woman was in the class, the subject was avoided, and I understand the question was similarly avoided this year. This is not the only matter that would be difficult for a lecturer to discuss with a woman among his hearers. Judging from my notes large portions of the criminal law and the law of evidence will have to be deleted if women are admitted to the classes; and I think it will be unfair to make students pay heavy fees for lectures and then to have important questions missed because females invade the classroom.³⁶

A WOMAN'S PLACE IS IN THE HOME

The entry of women into law schools did not guarantee their admission to legal practice. In 1894, Donald Melville MLC attempted unsuccessfully to have the *Legal Profession Practice Act 1891* (Vic) amended to allow for the admission of women to the profession in Victoria.³⁷ Consequently, when Flos Grieg entered the Law School in 1897, she was aware that upon completion of her degree she would be ineligible for admission. Yet by the time of her graduation she had initiated the change which was

33 *Alma Mater*, May 1897 p10, cited in Ewing, "Laying the Foundation Stone for Legal Women" (1992) 66 *LJ* 159 at 159.

34 As above.

35 Campbell, *A History of the Melbourne Law School, 1857-1973* p29.

36 *The Register*, 17 November 1911 p9.

37 Ewing, "Laying the Foundation Stone for Legal Women" (1992) 66 *LJ* 159 at 159.

required.³⁸ The *Woman's Sphere*, a Melbourne-based journal edited by suffragist Vida Goldstein, reported that towards the end of her course Grieg had "set the wheels in motion to secure the passage of a Bill removing the embargo on women lawyers".³⁹

On 17 February 1903, John Mackey MLA, a lecturer in Equity at the University of Melbourne, introduced the Women's Disabilities Removal Bill to the Victorian Legislative Assembly. The Bill became known as the "Flos Grieg Enabling Bill". The Bill raised little debate when introduced into the House. Although one Member expressed concern that a woman "might become Crown Prosecutor, Chief Justice or Acting Governor", the only substantial resistance occurred when the Bill was erroneously believed to be related to the suffrage debate.⁴⁰ On 28 March 1903 Flos Grieg became the first woman to graduate from the University's Law School. The Bill was passed five days later.⁴¹ Section 2 of the *Legal Profession Practice Act* 1903 (Vic) now read: "No person shall by reason of sex be deemed to be under any disability for admission to practice as a barrister and solicitor of the Supreme Court, any Law or usage to the contrary withstanding." Victoria thus became the first Australian State to permit women to be admitted to legal practice and Flos Grieg was the first female to be admitted to practice in Australia in August 1905. Other States soon followed the Victorian initiative. An amendment to the Tasmanian Act in 1904 and an enabling Act passed in Queensland in 1905 provided for women to be admitted to practice in those States.⁴² The first woman to be admitted in Queensland was Agnes McWhinney in December 1915 and in Tasmania, Helen McPhee in February 1935.⁴³

By contrast, Ada Evans, who had graduated from the University of Sydney in 1902, had to wait until 1919 for the necessary legislative amendment to be made in New South Wales. Her application to the Supreme Court of New South Wales to be registered as a student-at-law was refused on the ground of absence of precedent.⁴⁴ She received the same reply to her application for admission to the English Bar.⁴⁵ It was then suggested that

38 As above.

39 *Women's Sphere*, 10 May 1903 p1, cited in Ewing, "Laying the Foundation Stone for Legal Women" (1992) 66 *LJ* 159 at 159.

40 As above.

41 As above.

42 *Legal Practitioners Act* 1904 (Tas); *Legal Practitioners Act* 1905 (Qld).

43 Teale & O'Brien, "Women in Law: A Study of Women Lawyers in New South Wales, 1902-45" in *Australian Women and the Law* p3.

44 McPaul, "A Woman Pioneer" (1948) 22 *ALJ* 1 at 2.

45 As above.

she pursue the matter by way of judicial review but, after exploring the possibility of success, she abandoned this course.⁴⁶ Her attention was then directed to lobbying the Attorney-General to introduce a Bill to Parliament to enable women to be admitted to practice. Women's organisations provided her with support to bring the law of New South Wales into line with amendments in other States. Members of the Feminist Club of New South Wales joined Ada Evans in her initial deputation to the Attorney-General Mr Hall, which led to the introduction of a Bill in the 1916 parliamentary session.⁴⁷ This Bill was, however, shelved after the second reading.

A new Bill was introduced to Parliament and eventually the *Women's Legal Status Act* 1918 (NSW) was assented to on 21 December 1918.⁴⁸ To comply with the barristers' admission rules, Ada Evans was required to be registered as a student-at-law for two years. Finally, on 12 May 1921, Ada Evans was admitted to practise as a barrister of the Supreme Court of New South Wales.⁴⁹ She was offered briefs within days of her admission, but refused to accept any on the grounds of indifferent health and compelling family commitments. She felt her absence from the law for the 19 years since her graduation had rendered her incapable of handling such work. She did not wish to undermine women's standing in the profession by a show of incompetence.⁵⁰

In South Australia, although the *Language of Acts Act* 1872 (SA) provided that in every Act of Parliament all words of the masculine gender also included the feminine, it did not mention the rules of court which were all framed in the masculine gender. The Parliament moved quickly to ensure that the restriction on women entering legal practice be removed. The *Female Law Practitioners Act* 1911 (SA) guaranteed that women could proceed to admission as legal practitioners on the same basis as men. Section 2 of the Act provided that "notwithstanding anything contained in any Act or any rules of court ... any woman would be entitled to practise as a barrister, attorney, solicitor or proctor of the Supreme Court on complying with the rules of court".

46 As above.

47 Griffith, "The Feminist Club of NSW, 1914-1970: A History of Feminist Politics in Decline" (1989) 14(1) *Hecate* 56 at 56.

48 McPaul, "A Woman Pioneer" (1948) 22 *ALJ* 1 at 2.

49 As above.

50 As above.

In the course of the Parliamentary debates, it was noted that, whereas there were "competent and estimable" women doctors, it was not legal for any woman to practise as a lawyer in South Australia although there had been female legal practitioners in New Zealand since 1896 and in Victoria since 1903.⁵¹ Members of Parliament had differing views on the prospect of women lawyers. On the one hand the Chief Secretary, the Hon FS Wallis said that there was "no reason why women with the ability and who were prepared to undergo the examinations and qualify themselves, just as male students had to, should not be permitted by law to do so".⁵² However there was some concern voiced "that the appearance of women practitioners in the Courts would not be in some respects desirable".⁵³ It was true that "many objectionable matters had to be dealt with in the Law Courts, and it was thought that it might be inconsistent with the modesty of women that they should be mixed up with objectionable cases".⁵⁴ However, "it would not be necessary for women to have anything to do with such matters. They would not be required to take up phases of legal work that would be unbecoming to them as women."⁵⁵ It was possible that some day there may appear in Adelaide on the doorplates of professional chambers, such wordings as "Smith & Wife" and "Brown & Daughter" just as there was now "Moulden & Son".⁵⁶ It was thought that there would not be much objection from the legal fraternity should the Bill become law. The Hon BA Moulden summed it up: "Like chips in porridge, they won't do much harm."⁵⁷

The Hon J Lewis was opposed to the measure however. In his view there was a difference between female medical practitioners and female legal practitioners as "a lady doctor attended to ladies only".⁵⁸ "It was not always palatable for a lady to listen to what took place in Courts of Law", and the Members should not encourage it. Simply because women wished to become legal practitioners did not mean that Parliament should grant their request. Women "often asked for many things that ought not to be granted them".⁵⁹ Members of Parliament, as members of the "stronger sex ... ought to protect the women". He argued that the Bill was not necessary, and would not "tend to bring women up in the way they should go" but

51 SA, Parl, *Debates* LC [1911] at 535.

52 As above.

53 As above.

54 As above.

55 As above.

56 As above.

57 As above.

58 At 536.

59 At 537.

would "tend to do away with the sweetness, gentleness, and kindness which they should possess".⁶⁰ Women would be "far better looking after a home than agitating and pleading in Courts of Law".⁶¹

In Western Australia, the first female member of Parliament, Edith Cowan, introduced the Women's Legal Status Bill to the House in 1923.⁶² In the course of debate on the Bill following the second reading, the Hon Mr Latham argued that, although he supported the second reading, he did not know whether it was a "step in the right direction to try to bring about equality of the sexes".⁶³ As far as he was concerned "[w]omen have more important functions to perform than to enter the professional world. They are the custodians of our race for a start." The Hon Mr Underwood was of the view that women "ought to be compelled to marry".⁶⁴ The Hon Mr Troy was "sorry that women [were] entering into spheres to which they are aspiring" and that it was "a pity that women should be brought into sordid competition with men. Men are the rougher creatures ... made for the hurly burly of life, whereas the rightful place for a woman is in her home and with her children."⁶⁵ In spite of this opposition, the Act was duly passed and women became eligible to be admitted to legal practice in Western Australia.

ARE WOMEN 'PERSONS'?

In Western Australia in 1900, a prominent barrister, Mr RA Haynes KC, wrote to the Barrister's Board requesting permission to have his daughter Edith articled to him under the *Legal Practitioners Act 1893 (WA)*.⁶⁶ The Barrister's Board constituted under that Act supervised and regulated the admission of legal practitioners. Although Haynes' application as a law student was approved, she was warned by the Board that it could not guarantee her admission.⁶⁷ In 1904 she sought permission to be admitted to the intermediate examinations. The Board refused her request, stating that "women were not eligible for admission under the Act". She obtained

60 As above.

61 As above.

62 Naylor, "Women in the Law" (1994) 21 *Brief* 6 at 6.

63 WA, Parl, *Debates* (1923) Vol 69 at 1378, cited in Naylor, "Women in the Law" (1994) 21 *Brief* 6 at 6.

64 As above.

65 WA, Parl, *Debates* (1923) Vol 69 at 1390, cited in Naylor, "Women in the Law" (1994) 21 *Brief* 6 at 6.

66 Byrne, "Just Dears: Western Australia's First Women Lawyers" (1994) 21 *Brief* 13 at 13.

67 As above.

an order nisi calling upon the Board to show cause why a writ of mandamus should not be issued directing the Board to admit her under Rule 23.

The matter was argued by her father before the Supreme Court of Western Australia on 9 August 1904.⁶⁸ The Full Court held that the words "every person" in the Act did not include women and that accordingly women could not be admitted as practitioners. Burnside J stated that "the right of a woman to be admitted is a misnomer ... The Common Law of England has never recognised the right of women to be admitted to the Bar."⁶⁹ His Honour was "unable to find any instances where any right has been conferred ... It is a privilege which has been conferred by the Courts originally, and then been regulated subsequently by Statute from almost time immemorial, and which has been confined to the male sex."⁷⁰ His Honour was not "prepared to start making law. When the Legislature in its wisdom confers the right on women, then we shall be pleased to admit them."⁷¹ McMillan J was concerned about the possibility of women becoming judges if they were admitted to the Bar. He stated that the "change [was] of such importance that it should be made, and in fact [could] only be made by the Legislature".⁷² Consequently, Haynes was never admitted to practice.

In South Australia in 1921, Mary Kitson applied for appointment as a public notary under the *Public Notaries Act* 1859 (SA). Section 3 of that Act provided:

Every person who shall be desirous of obtaining an appointment to act as a Public Notary ... shall apply by petition ... setting forth such facts ... as to his fitness and qualification to discharge the duties and exercise the functions of a public notary.

Unfortunately, as the Act referred only to "every person", Kitson, as a woman, could not be appointed a public notary. The Supreme Court of South Australia held that, despite there being no question as to her ability to perform the duties and exercise the functions of a public notary, the

68 As above.

69 *In Re Edith Haynes* (1904) 6 WALR 209 at 212-213.

70 At 214.

71 As above.

72 At 212.

words "every person" in the Act did not include women.⁷³ Although s26 of the *Acts Interpretation Act 1915* (SA) provided that "he" includes "she" and other forms of the masculine pronoun include the feminine, to construe "his" as including "her" and "person" as including both man and woman would be giving the words a meaning inconsistent with the object and intent of the Act. Poole J noted that whereas the Parliament had removed the restriction on women practising as lawyers, it had not seen fit to remove the disability which, by the common law, women are under with regard to filling the office of public notary. The legislature alone could alter the law, and until it did so, the Court must hold that no woman could be appointed a public notary.⁷⁴

The South Australian Government acted promptly to rectify the situation. Legislation was passed which opened rights of full practice of the law to women. Kitson was appointed a public notary through the provisions of the *Sex Disqualification (Removal) Act 1921* (SA) which removed sex and marriage as disqualifications for a person's appointment or functioning as a public notary or justice of the peace.

LIFE IN THE LAW

Although women were eligible to practise they usually had difficulty obtaining articles. One elderly solicitor who was approached by Marie Byles' father to place her in his office, exclaimed in horror: "A girl? Thank goodness I shall soon be out of it!"⁷⁵ Another solicitor suggested she "would be better occupied pounding a typewriter".⁷⁶ It was usually a family friend or a relative who was prepared to take the unprecedented step to employ a female articulated clerk. She finally obtained articles with the assistance of a neighbour, but it was with some hesitation that the master solicitor agreed to take on the young woman lawyer. Whereas the usual premium for an articulated clerk was £100, Byles' master solicitor asked for £200. The articles of clerkship also contained a clause that her father would provide her with "all manner of necessary and becoming apparel".⁷⁷ Throughout her articles little serious attempt was made to give

73 *In Re Kitson* [1920] SASR 230 at 231-232, 236-237.

74 As above.

75 O'Brien, "The Remarkable Career of Marie Byles, First Female Solicitor in NSW" (1984) 22 *Law Soc of NSW J* 558 at 558.

76 As above.

77 As above.

her any legal training and she found her duties were confined largely to those of a junior office girl.⁷⁸

As difficult as it was to obtain articles, Byles found it even more difficult to find employment as a solicitor after she was admitted. She sought work unsuccessfully for six months and was about to abandon her search and commence studying for a master's degree when the Dean of the Faculty of Law at the University of Sydney, Sir John Peden, intervened and secured employment for her with a Sydney solicitor. She worked there for three years until she left to travel overseas. Then in 1929 she opened her own practice in Eastwood in the foyer of the Duke of York Theatre which was partitioned and rented to her as an office. From this small beginning she developed a successful practice that lasted more than 40 years. She operated both as a sole practitioner and in partnership, handling mostly conveyancing and probate work with some divorce cases.⁷⁹

Sybil Morrison was admitted to the bar in 1924 and was able to obtain chambers recently vacated by a practitioner who had been appointed to the bench. Newspaper reports indicated that she did not lack briefs, and that she was supported on occasions by the two practising women solicitors, appearing on their instructions for various clients.⁸⁰ Morrison was active in the Sydney University Women Graduates' Association and in an address on vocations at the University asserted that "if you have ability, the law is one of the best professions you can take up and one for which women are specially suited".⁸¹ She later became a member of the National Council of Women of New South Wales and was convenor of its laws committee. She presented a paper on divorce in Australia in 1926 when the National Council of Women was advocating uniform Federal marriage and divorce laws.⁸² In 1940-42 she was the first President of the Law School Comforts Fund and was also involved with what became the Business and Professional Women's Club of Sydney. In her will she made two bequests for annual prizes or scholarships in the Faculty of Law at the University of Sydney to be named after herself and her mother.⁸³

78 Kok, O'Brien & Teale, "In the Office and at the Bar" in Mackinolty & Radi (eds), *In Pursuit of Justice: Australian Women and the Law, 1788-1979* p183.

79 As above.

80 Teale & O'Brien, "Women in Law: A Study of Women Lawyers in New South Wales, 1902-45" in *Australian Women and the Law* p4.

81 Nairn & Searle (eds), *Australian Dictionary of Biography* Vol 10 (Melbourne University Press, Melbourne 1983) p596.

82 As above.

83 As above.

Flos Grieg completed two years as an articled clerk and after her admission in 1905, she was confident of obtaining work from Melbourne businesswomen. She felt that it was time for women to practise as lawyers because of the interest women were beginning to take in business, politics and public life. She attributed the professional and intellectual women of her day with a great deal of altruism.⁸⁴ Although she acknowledged that most women take up their profession to earn a living, "you will hardly find one amongst them who has not at bottom the interest of women as a whole sincerely at heart, and who will not go to a great deal of trouble to benefit the mass of her sex".⁸⁵ Throughout her career Grieg pursued her aspiration of protecting the interests of women and children. Immediately after her admission she was retained as the legal adviser to the Australasian Women's Association, and drafted a number of clauses for the *Children's Court Act* 1906 (Vic).⁸⁶ In later years she was employed as a solicitor and spent some 12 years in the office of Paul McSwiney at Wangaratta before her retirement in 1942.⁸⁷

Anna Brennan completed her articles with Frank Brennan & Rundle and was admitted to the Supreme Court of Victoria on 1 August 1911. She was active in this practice for most of her career specialising in the matrimonial field. Throughout her career she campaigned for and contributed to the reform of matrimonial laws, in particular with respect to those relating to the nationality of married women and the conflict of matrimonial laws between the states. She was a supporter of women assuming greater responsibility in public life, and in 1930, attended the League of Nations Assembly in Geneva, where she observed that women's contributions to legal, economic and international questions should be recognised. She joined the Lyceum Club for women in 1912 as an original member, was honorary legal adviser until 1918 and President between 1940-42. She was also actively involved with the international St Joan's Alliance, a group of Catholic laywomen which championed innumerable humanitarian causes, particularly those affecting women.⁸⁸ Brennan was President of the Legal Women's Association formed in 1931

84 Ewing, "Laying the Foundation Stone for Legal Women" (1992) 66 *LIIJ* 159 at 160.

85 Grieg, "The Law as a Profession for Women" (1908-9) 6 *Commonwealth Law Review* 145 at 148.

86 Ewing, "Laying the Foundation Stone for Legal Women" (1992) 66 *LIIJ* 159 at 160.

87 Nairn & Searle (eds), *Australian Dictionary of Biography* Vol 9 p103.

88 As above.

which awards a prize in her name at the University of Melbourne Law School.

Mary Kitson was admitted to practice in South Australia on 20 October 1917. She was an articled clerk at the firm of TS Poole & Johnstone and then practised as a barrister with the firm. She was made a partner in the reconstituted firm of Johnstone, Ronald & Kitson in 1919. "Much of her early work was in the Children's Court and laid the basis for her later commitment to the cause of child welfare reform."⁸⁹ She married in 1924 but, because her partners preferred not to work with a married woman, she left the firm and with Dorothy Sommerville formed what may have been the first female legal practice in Australia in 1925, Kitson & Sommerville. By the mid-1930s she had moved to Sydney where she worked as a legal editor with Butterworth's publishing company. This gave her time to pursue her other interests and she wrote and co-authored several legal textbooks. From 1941 she was a member of the Child Welfare Advisory Council, and for a period Chair of the delinquency committee. In 1942, she was sponsored to study child welfare in England. She served on a number of Boards and played a major role in creating a separate Child Welfare Department in New South Wales.⁹⁰

In 1946 she was a founder of the New South Wales branch of the St Joan's Social and Political Alliance. She was a committed Catholic but "criticised ecclesiastical attitudes and practices regarding women".⁹¹ In 1950 she was appointed Chief of the Office of the Status of Women in the Division of Human Rights at the United Nations Secretariat in New York. During her term, two major conventions were adopted: the Convention of the Political Rights of Women (1952) aimed at the granting and protection of women's full political rights, and the Convention of the Nationality of Married Women (1957) which decreed that marriage should not affect the nationality of a wife.⁹² When she left the United Nations in 1958, Kitson was commended by delegates for her dedication to the cause of women, her ability to inspire teamwork, her competence and her sincerity. She was appointed to the Order of the British Empire in 1950 and made a Companion of the British Empire in 1959.⁹³

89 Nairn & Searle (eds), *Australian Dictionary of Biography* Vol 12 p193.

90 As above.

91 As above.

92 As above.

93 As above.

The first woman admitted to practice in Western Australia was Alice Mary Cummins in May 1930. She studied law at the University of Adelaide but never practised. She pursued a successful career managing the family brewery until her early death in 1943.⁹⁴ The second woman to be admitted was Enid Marjorie Russell in March 1933, after undertaking a five-year articulated clerkship in order to qualify for admission. She continued to work for the firm which had become Robinson Cox & Wheatley before travelling overseas and moving to South Africa where she served in the army during World War II, rising to the rank of Lieutenant. At the end of the war she returned to Perth and was appointed Secretary-Librarian and part-time Lecturer in Private International Law at the University of Western Australia Law School before returning to private practice in 1950.⁹⁵

Of the first four female law graduates of the University of Western Australia, Molly Kingston and Sheila McClemans formed the first all-female law partnership in that State, Kingston & McClemans, which operated until 1938. Members of the profession were uncertain how to address the partners of this firm. The usual address "Dear Sirs" seemed inappropriate in the circumstances. Sir Walter James, the first President of the Law Society of Western Australia, suggested that they should be addressed "Just Dears".⁹⁶ With the outbreak of the war, both entered the armed services. After World War II, McClemans returned to practise in Perth and became actively involved with the Law Society, especially with the administration of its legal aid scheme. Kingston worked in Sydney for a time before settling in Victoria as a partner in a firm of solicitors and later became one of the first women to be called to the Victorian bar.⁹⁷

CONCLUSION

The women lawyers whose lives have been highlighted in this article were true pioneers. Each of them should be remembered for the contribution they made to the legal profession and to establishing women's rightful place in the law. Through their efforts to secure a place at Law School and their attempts to ensure that the necessary legislation be passed to enable women to practise, these women paved the way for future women lawyers. Their courage and determination was remarkable when viewed in the light

94 Byrne, "Just Dears: Western Australia's First Women Lawyers" (1994) 21 *Brief* 13 at 13.

95 At 14.

96 As above.

97 As above.

of the enormous resistance they encountered from a male dominated profession and society. However, it is not only women legal practitioners who owe much to these pioneering women. Many of these women not only achieved eminence in the legal profession but went on to represent and voice the concerns of women in national and international fora. They contributed to reforms of the law and supported initiatives of benefit to all women. We should recognise and celebrate their achievements and afford them the place in history they deserve.

