

# The UNIVERSITY of MELBOURNE GAZETTE

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## A century of achievement

By Dame Margaret Blackwood,  
Deputy Chancellor

*This year, 1983, the University of Melbourne is celebrating the centenary of the first graduation of a woman student, Bella Guerin, in 1883. It is, therefore, appropriate to consider how this came about.*

Until 1871 not only were women excluded from University studies but girls were not allowed to sit for matriculation exams!

However, about this time, there was a review of education in Parliament and a popular demand that education should be controlled by the State. In 1872 the Wilberforce Stephen's Education Bill providing for free, compulsory and secular education was passed. This brought the question of the education of girls under review. Leading up to this, the year before, in 1871, G.A. Samson, the Headmaster of a girl's school, "Tarrington House", in East Melbourne wrote to the University to enquire rather diffidently whether girls would be permitted to sit the matriculation exams, "with a view of obtaining certificates of knowledge in one or more subjects as may be decided upon by the Council".

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*THE DOMESTIC BELLA. Mrs Halloran with her son Henry Marco circa 1897. Henry graduated MB BS in 1915.*

Melbourne.

Then there were the three chemists, all demonstrators as they were then called, in the Chemistry School, and all with an MSc degree (there was no PhD degree then) who remained at that level of demonstrator for some 20 years. They were Ruth Sugden MSc (1911), Jean Logan Alexander MSc (1915) — the first girl to sit and pass matriculation chemistry — and Ruby May Mercer MSc (1920).

The high standard of chemistry practical work in first-year science, engineering and medicine was set and maintained by these three women graduates and there are hundreds of graduates who owe a lot to their teaching skills.

They were also active in University sports and drama. Jean Alexander, after the Second World War, went to the Mildura Branch University as Lecturer in chemistry and for 18 months was also Dean of Women there. When she retired in 1963 she had been a member of the staff for 12 years.

Alberta Olive Watson MA (1914), now 95, was an early woman Inspector of Secondary Schools for the Department of Education — a significant breakthrough. She was an eminent Classical scholar and, for years, was the Treasurer of the Classical Association of Victoria and a member of its Council.

Enid Joske MA (1912) was well known in University circles and to students as the Principal of Janet Clarke Hall for more than two decades.

In this period many distinguished future teachers graduated who later became heads of girls' schools and, in so doing, exerted considerable influence upon education in Victoria. Those graduates include Maud Cameron MA (1908) of Firkbank, Constance Tisdall MA (1903) of Rosbercon, Elsie Morres MA (1901) of the MCEGGS, Lilian Limerock MA (1906) of Penleigh, and Elizabeth Kirkhope MA (1918) of Lowther Hall, to name a few.

Outstanding in this group was Dorothy Jean Ross MA, BSc (1914), who for more than half a century markedly influenced the development of education in Victoria by inspiring young teachers while running the Associated Teachers' Training Institute and then as Headmistress of the MCEGGS. She died in 1982 at the age of 90 still interested in education and the art of teaching.

Reverting to scientists, Isabel Clifton Cookson DSc (1916) brought international fame to this University by her outstanding research findings in palaeontology which significantly influenced the coal and oil industries of Australia. She was also an expert investor on the Stock Exchange and I wish that I had listened more closely to her advice!

Women medical graduates were prominent in these early days. Margaret Hutchings (1906), whose

two daughters subsequently did medicine, Isabella Phillips (1916) well known as a general practitioner and Vera Scantlebury (1914), who was a pioneer in maternal welfare and child care. Lucy Meredith Bryce (1918) established the blood bank here, the first in Australia.

During this period the first woman dental graduate Zara Ettelson took out her degree in 1913 followed in 1918 by Irene Myrtle Lowe (Rogers), the first woman to graduate as a Bachelor of Agricultural Science.

This is a review of a few of these early women graduates upon whose efforts we have been able to build — they paved the way for us. It is of interest to note that, then, they were usually single women with relatives, doting parents and sisters. Now many of our career women are married with cooperative husbands and children and some paid assistance in the home.

Many distinguished women graduates have followed on after 1920 including our first two women graduates to receive honorary degrees, Dame Kate Campbell and Dame Jean MacNamara, and at the present time, they are found in many key positions in the community and in universities. It is a pity that there is no room to mention them here, but they will be spoken about in the official history being produced by Farley Kelly as part of the celebrations to mark the centenary. Let all graduates join in the celebrations and honour these pioneers of learning and scholarship who confirmed Professor Sir David Orme Masson's comment "The ladies have come to stay".

### "TO LEAD A BRIGHT CRUSADE": BELLA GUERIN, MA

by Farley Kelly

On 1 December 1883, Bella Guerin, the 25 year old daughter of the Irish-born Chief Warden (later Governor) of Ballarat Gaol, received the degree of Bachelor of Arts from the University of Melbourne. The only woman in the graduating group of 26, she was the first woman in Australia and one of the first in the British Empire to take out a degree.

Her achievement, and that of a fellow-student, Lydia Harris, who finished at the same time but graduated a few months later, will be commemorated in a special ceremony late this year, as part of the Woman Graduates' Centenary celebrations of 1983.

'Firsts' in any field do not necessarily make good studies in themselves, but Bella Guerin's story is of intrinsic interest. Interspersing a chequered teaching career with two unconventional marriages and the raising of a son (who was himself an outstanding medical graduate of the University of Melbourne) she publicly supported

radical political and feminist causes for many years.

It had emphatically not been the University's aim, when it admitted women to all courses but that of medicine in 1880, to turn out 'strong-minded' women critical of existing social institutions. Indeed, early women students, aware that their demeanour was scrutinized, were most circumspect. The evolution of Bella Guerin's radicalism was gradual, and no fault could be found with her decorous bearing as a young woman.

Higher education for women during the later nineteenth century had been hesitantly secured. In the phrase of one Oxford student, it was a case of 'degrees by degrees' as first, women's intellectual capabilities and, next, their ability to survive study with their reproductive functions unimpaird were questioned.

*Have you courage Bella Guerin!  
To lead a bright crusade  
Against the Army of folly,  
Of vain and mean parade —  
The bitter wronging of others  
For the mere excess of dress  
The shameless and wild endeavour  
To surpass the worst excess . . .*

Henry Halloran, 1884.

In Victoria, girls could sit for matriculation after 1871 but could not sign the matriculation roll and proceed with University studies until a decade of persistent lobbying by liberal educationists in Council secured their admission in 1880. Thirteen women signed the matriculation roll in 1880-81; four entered as undergraduates in 1881 and two completed Arts courses in 1883.

Bella Guerin's graduation was generally seen by the Press as a matter for colonial self-gratification, a mark of progress and chivalry. The *Bulletin*, less gallant, hoped that her title (misreported as MA) would soon be transformed into that best befitting a woman, that of MAMA.

Bella did take out an MA from the School of Languages and Logic in 1885. After teaching at a leading convent she became 'First Lady Principal', taking preparatory University classes, at the Ballarat School of Mines (which was briefly affiliated to the University). She married an octogenarian Sydney poet and civil servant, Henry Halloran, and fulfilled the *Bulletin's* hopes by bearing a son in 1892. Widowed shortly afterwards, she returned to teaching from financial necessity; in all, she taught in Victoria for 30 years, chiefly in financially precarious private venture schools. A second marriage, when her son was 18, to the 21 year old George Lavender, 30 years her junior, was ill-fated.

She had always envisaged a social reform role for educated women: 'a band of noble thoughtful women as

# Laws affecting our lives — Domicile Act 1982

by Colin Howard  
Hearn Professor of Law  
Dean of the Faculty of Law

On 1 July 1982 there came into force the Domicile Act 1982 of the Commonwealth. The layman can be forgiven for not knowing what to make of that information. It cannot be said to have influenced the federal election, the Senate passed the bill without demur and no state seems to think that its rights are threatened. A non-event one might think. It is nevertheless a useful piece of law reform.

The problem with understanding what it is all about lies in the word "domicile". For most people domicile is indistinguishable from residence, but its legal meaning, although based on the same concept, is technical and has a wide variety of applications, particularly in matters of family law, taxation and multinational corporations. It operates as part of a body of legal doctrine which regulates what system of law is applicable to a situation which has substantial connections with more than one system.

The simple territorial idea, that the courts of a country apply the internal law of that country to any case which comes before them, regardless of where the facts arose, has been under pressure for centuries. With technological advances the problem of the so-called "proper" law has increased enormously. This is partly because where large financial interests are at stake, or where the parties are rich anyway, it has become much easier than it used to be to shop around for a jurisdiction the laws of which appear to be favourable to one's own case.

Even a modified form of the territorial test of the proper law, which asks not so much where is the court sitting but in what jurisdiction did the relevant events happen, is not a great deal of help in a world in which it is becoming increasingly difficult to answer that question with precision. A by no means unprecedented example is a baby being born of parents of different nationalities in the course of a flight in an airline of a third country, the aeroplane being over the open sea at the time. If later on some family law dispute affecting the child arises, say access or custody, it is not obvious, in the absence of special rules, whether the problem is to be solved by reference to the law of the husband's nationality, or of the wife's

or of the country where the aeroplane was registered or of the jurisdiction in which the matrimonial proceedings are taking place, and so on.

A more common but even more complex example is one which arises all the time. This is where commercial arrangements are made between business men of a variety of nationalities operating out of a variety of countries, financing the transaction through brokers across the world and seeking, shall we say, a world wide telecast of a major sporting event. The complications of deciding which particular system of law affects any one of the myriad misfortunes which can lead to litigation under such circumstances need not be laboured.

A variety of factors have been identified by the law over the years as assisting in the search for the most appropriate system of law to apply in such situations. One of these is the concept of domicile. The basic idea is to connect a person with a particular system of law by deciding where that person has his or her permanent home, but this basis has needed much refinement in its application to particular situations. These special rules tend to outlive their usefulness and to need adjustment from time to time by statute. This is what the Domicile Act 1982 does in several important areas of family law.

First, it abolishes a rule of common law that a married woman has at all times the domicile of her husband. This is clearly a leftover from the days when in the eye of the law husband and wife were one person and that person was the husband. One of its effects in modern times has been that an estranged couple could be living at opposite ends of the earth from each other but the wife was still deemed to be domiciled with her husband.

Another special rule depended upon a distinction between domicile of origin and domicile of choice. Everyone is born with a domicile of origin but it is not necessary to retain it for the whole of one's life. It is possible, by moving elsewhere with the intention of residing for the foreseeable future in that other place, to acquire a domicile of choice. It is however easier to relinquish or lose a domicile of choice than to acquire another one. In the interval between the two the common law rule is that the domicile of origin revives.

a powerful influence for good', and worked consistently in the long-drawn-out Victorian suffrage campaigns and the non-party feminist Women's Political Association (WPA), pleading the cause of working women.

Shortly before the First World War she left the WPA for the Labor Party and became a regular speaker in labour and socialist circles, attracting 'bumper houses' to controversial lectures on the hypocrisies of church and state, the rights of illegitimate children, and the alleged 'White Slave Traffic' in prostitution. To the question 'Should Wives Obey?' her satirical, not to mention her logical, rejoinders were meat for men, and altogether delightful. In defence of English suffragette militancy, abhorred by the Press and most women's organizations, she explained the slashing of Velasquez's peerless Rokeby Venus as an attack on the concentration on women as purely physical beings, valued for their bodies, not for their brain and spirit.

War was declared in 1914. While the hapless heroes of Gallipoli were being transformed into the stuff of legend, University students and graduates, among them several women doctors, volunteered for war service. Red Cross fund raising, and indefatigable knitting in the Trench Sock cause loomed large in the lives of the increased proportion of women on campus. To oppose the war was to struggle hard against the patriotic tide.

Bella Lavender led the 1916 Labor Women's Anti-Conscription League and spoke for the remainder of the war to audiences in three states against militarism, the slavery of conscription and wartime encroachments on civil liberties. For this she risked gaol. Though she believed in the parliamentary system, she looked forward to a future in which the linked evils of militarism and capitalism would have been swept away and the 'dear Red Flag' reign supreme. It is perhaps superfluous to note that the number of pupils at her Brunswick and Parkville schools rapidly diminished. Her last years were marked by bitter disagreements with Labor women over the Party's treatment of women within its ranks as 'performing poodles or packhorses'.

She was in no way typical of the first generation of University women. Though several were active suffragists, they would have generally deplored her public radicalism. To the end, however, she remained conscious of her graduate status: to the newspapers she was always Bella Lavender MA