

TITLE

Bertha Cave Oxford Dictionary of National Biography

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VERSIONS

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Cave, Bertha (1881-1951), pioneer of opening the legal profession to women, was born at Park Lodge, Sundridge, Kent, on 14 November 1881, the daughter and elder of two children of James Thomas Cave, a servant and later butler to William Tipping (director of the London and North Western Railway and sometime Conservative MP for Stockport), and his wife Annie *nee* Barker, also a servant . She attended Miss Luker's private day school in the High Street, Brasted, and in 1895 was a pupil at the National School in Brasted [. By 1900 she was living with her mother and younger brother in Croydon, while her father remained in service.

Cave came to public notice when, on 3 March 1903, she applied to join Gray's Inn. A person was (and still is) unable to become a barrister without membership of one of the Inns of Court. She wrote on her application "I am aware that my application is most unusual and no doubt without precedent, but trust that the Masters of the bench will give it their serious consideration and I should, in the event of a favourable reply, be pleased to conform to any special rules they may think fit to impose." [No order was made on this application. Eight days later the Masters of Gray's Inn referred her application to a committee, which sat in April to

consider whether they had the power to admit her. On the question of the power to admit a woman, they referred to the regulations on details of dress and exercise, according to their ordinary and natural sense, indicated that males, and males alone were admissible as students. The committee concluded that when the regulations were read in the light of the uniform and uninterrupted usage which had so long followed upon them, they appeared to be conclusive against the power of their Society to admit women for the purpose of being called to the Bar. They referred to various legal cases, none of them, however, on point. This decision was later used as authority to deny Helena Normanton's admission to an Inn of Court in 1918 and the *Bebb* litigants the right to sit the solicitors preliminary exam in 1914.

AGNES EDITH METCALFE ALSO APPLIED TO GRAY'S INN

on 24 April 1903

Cave appealed and this was heard in the House of Lords on December 2 1903 when she appeared as a litigant in person before a formidable group of judges. They were an appeal tribunal to the Inns of Court, and were not

sitting in their judicial capacity. She argued: 'I would urge in support of my case that although there are no rules for the admission of students, there appears to be none against', and pointed out that there were women lawyers in other countries. Despite her persistence in asking the judges for legal authority as to why they were unable to admit her the judges countered by demanding that she provide precedent that they could admit her. As no woman had ever been admitted to the Bar, she had no such authority.

After the hearing Cave was reported to have said that she intended to practice as an "outside lawyer", alongside Christabel Pankhurst (like Eliza Orme). The report ominously commented that they would have the advantage of being able to advertise. She proposed to secure an Ll. B and be admitted as a solicitor. She would just keep bombarding the profession, as her refusal was a "beastly shame" []. Others reported that she did not despair, 'the moment it is forbidden it becomes the ambition of life' []. She was also reported to have said that she would apply to Middle Temple.

In January 1904 Cave and Pankhurst participated in the Union Society of London Annual Ladies' debate topic: "This

house rejoices the at the decision of the LC protecting the Inns of Court from invasion of the gentler sex, and records its belief that ladies ought not to be allowed to practise at the Common Law Bar or to hold judicial office”, she clearly was part of a network campaigning for women’s entry to the legal profession. The report describes Cave as being nervous and speaking with a shaky voice, unlike Pankhurst.

In November 1904 she appeared in the papers again, this time in a dispute about a bicycle. Her father was being sued as her guarantor for the non-payment of a bicycle. She maintained that the bicycle was defective. They lost. She appeared in court robed in ‘cap and gown’, attempted to sit in the counsel’s benches at the City of London Court having arranged her papers in the correct legal style, and rose to make an application on her father’s behalf. On objection being raised by a solicitor against ‘the Lady being heard from counsel’s benches”, she had to gather up her papers and move to the witness box.

Cave was never admitted to the Bar, nor did she appear on the Roll of Solicitors.

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Little detail is known about the remainder of Cave's life. She met Colonel Altof in 1903 and on 1 December 1905 they married, with her adopting the Muslim faith. Altof was a colonel of the Indian Princely State of Kapportolla [?]. He fought with his father in the second Afghan War of 1878, the same year he was honoured with an Afghan medal. The government then sent him for training to Woolwich, where in 1884 he received an honorary membership of the Royal Artillery Institution. That year he joined Lincoln's Inn. In 1885 he welcomed the returning Viceroy at Westminster Town Hall but abandoned his studies, returning to India and becoming the highest ranking officer in Kapurthala State. After the death of his wife he returned to England in 1900 and was called to the Bar on 24 June 1903 [. It is possible they travelled to India in 1907, as he was admitted to Advocate to the Chief Court of the Punjab. Whilst in England he and Cave lived separately, he at 19 Kensington Square Gardens and Cave in 43 Oaklands Grove, Shepherds Bush. In 1913 he returned alone to India.

On 16 June 1920 Cave was elected Fellow of the Royal Microscopical Society. That year Cave and her mother travelled to Nova Scotia to join her brother who had already emigrated there. Shee declared herself as a bacteriologist, intending to work as such in Canada, and gave her status as widow (though Altof did not die until 1930 and as they were only married religiously her marriage would not have been deemed legal). Whilst In Canada she corresponded from Innisfree in 1922 and 1930 from Montreal with Simon Flexner (Director of the Rockerfeller Institute for Medicine) on viruses.

Cave [WHAT NAME WAS SHE USING THEN] crossed swords with the establishment again in 1932 over a Crosse and Blackwell competition which Cave argued was an illegal lottery. Although nothing came from this in 1934 the Deputy Minister attempted to introduce a Bill allowing hospital sweepstakes but making other lotter prizes be forfeited to the Crown. By 1933 she was living in Toronto with her mother. By the 1945 electoral register recorded her as retired. Cave died [IN CANADA] in 1951.

Material Used

b. cert

Parents marriage certificate

[?GRAY's INN Records}

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