

q. Brit. Bail court.

REPORTS OF CASES

ARGUED AND DETERMINED

IN THE

Queen's Bench Practice Court;

WITH

POINTS OF PRACTICE AND PLEADING

DECIDED IN THE

Courts of Common Pleas and Exchequer;

FROM HILARY TERM to MICHAELMAS TERM, 1850.



BY

JOHN JAMES LOWNDES, OF THE INNER TEMPLE,

PETER BENSON MAXWELL, OF THE MIDDLE TEMPLE,

AND

CHARLES EDWARD POLLOCK, OF THE INNER TEMPLE,

ESQUIRES, BARRISTERS AT LAW.

9735



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1850.

Ex parte
DAGGETT.

that the name a party is known by should be on the roll ;
such alteration may, in fact, prevent fraud.

ERLE, J.—I do not see any reason why the name should
not be changed.

Application granted (*a*).

(*a*) Similar applications were Exchequer, and granted. Ex
made in the same case to the relat. *Udall*. See also the fol-
lowing case.

[The following case, decided in the Easter Term following,
may be here conveniently inserted.]

[April 16, 17.]

Ex parte THOMAS JAMES.

[*Bail Court. Coram Coleridge, J.*]

See the mar-
ginal note,
ante, p. 1.

SIMON moved for a rule, directing the Master to strike
out the name of Thomas James Moses, which now appeared
upon the roll of attorneys, and to substitute in lieu thereof
the name of Thomas James only.

The affidavit of the applicant upon which the motion
was made, shewed that he had been admitted an attorney
in the year 1848, and that he had signed the roll of attor-
neys by the name of Thomas James Moses; the surname
of his father, and which he then bore, being Moses. That
in the present month of April, his father had consented to
advance a large sum of money to enable him to enter into
partnership; but that before doing so, he was desirous that
his son should cease to use the surname of Moses, and
should use and be known by the name of Thomas James
only. That accordingly he had since (*a*) ceased to use

(*a*) The day named in the affi- had used the name of Thomas
davit as the day since which he James only, was the 8th of April,

the surname of Moses, and had used the name of Thomas James only. That he made this change for no improper purpose, but *bonâ fide* and without fraud. It did not appear that he had obtained any royal license to change his name.

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Simon. There was a similar application to the present granted in the last Term, *Ex parte Daggett (a)* before Mr. Justice *Erle* in this Court, except that in that case, there was no valid reason for the alteration, but only a desire to comply with a parent's wish. Here the applicant's advancement in life in some measure depends on it.

COLERIDGE, J.—My difficulty is as to altering the roll, when it is right, but I will consider the application.

Cur. adv. vult.

On the following day,

COLERIDGE, J., delivered judgment.—This was an application that the name of an attorney upon the roll of attorneys should be changed; and a case of *Ex parte Daggett (a)* was referred to in support of the motion. The doubt that I entertained was this; the roll of attorneys is a permanent record, and is true in fact; the attorney was admitted by the name of Thomas James Moses; and, therefore, there is some inconvenience in altering the roll, inasmuch as any one would think, on reading it, that an error had been committed, and that his name had been wrongly signed as Thomas James Moses, when in truth it was not. Before now I have refused an application of this kind at Chambers: but the case referred to is an authority for granting this motion, and I have consulted some of the Judges, who think that the

and the affidavit was sworn on the notice of the Court.
the 13th; but these dates were (a) *Ante*, p. 1.
not brought specifically under

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entry ought to be permitted. I think, however, that in making the alteration, the Masters should take care that the roll should shew that it is a change of name, and not that an error has been committed; and I also think that in future applications of this kind, there should always be an allegation that the applicant is not apprehensive of any proceeding being taken against him by the name on the roll.

Application granted (*a*).

(*a*) On the 23rd of April, in the same Term, *Simon* made a similar application in this case to the Court of Common Pleas. [*Cresswell, J.*—Is the name “James” a second surname or a Christian name?] It does not appear. [*Cresswell, J.*—Then there is some difficulty in granting this application. If this gentleman seeks to substitute one surname for another, without any improper object in view, there is no objection to his doing so; but if “James” is a baptismal name, and not a surname, then it might perhaps be contended, if he signed the roll as Thomas James, that his name is not on the roll of attorneys at all.] An application of the same kind was granted in last Term in *Ex parte Daggett* (*ante*, p. 1.) [*Cresswell, J.*—There the person had a double surname. But suppose the application were to sign one single baptismal name, as John or Thomas, would the Court allow that? And if “James” is not a surname in this case, Thomas James together form only one single baptismal name. *Wilde, C. J.*—I should have thought that the more correct application would have been to sign by the name of Thomas James James.]

Cur. adv. vult.

On the 1st of May in the same Term,
WILDE, C. J., said, that *Cresswell, J.*, had mentioned this matter to the other Judges, and that the Court would grant the application.

Application granted.



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