

spondents, so far from objecting, had proposed the man of skill who was chosen. As their averments concerned the health of the petitioner and not her habits, it was clear that the Lord Ordinary's method of inquiring into this question was the right one, and that the respondents would not be prejudiced by its being carried out before their appeal. If this appeal were allowed, the result would be that there would be two appeals taken.

The Court granted leave to appeal.

Counsel for the Petitioner — Guthrie, Q.C. — Chree. Agents — A. P. Purves & Aitken, W.S.

Counsel for Respondents—H. Johnston, Q.C. — C. K. Mackenzie. Agent — A. S. Douglas, W.S.

Tuesday, November 7.

### FIRST DIVISION.

#### JOHNSTON, PETITIONER.

*Nobile Officium—Authority to Alter Name.*

The Court will not grant a petitioner authority to alter his name unless some special reason is shown for it. Circumstances in which authority granted.

This was a petition at the instance of the Rev. Henry Johnston, otherwise Henry Lindsay Johnston, for authority to alter his name.

The petitioner set forth the following circumstances:—"That the petitioner's name was entered in the register of births, &c., and in his certificate of baptism as Henry Johnston. That for some years past the petitioner has adopted and used the name of Henry Lindsay Johnston, and as such has been commonly known. That in particular the petitioner's name is entered as Henry Lindsay Johnston in the books of Trinity College, Cambridge, and of the University of Cambridge, where he took his degree in the year 1897. That on the occasion of the petitioner's ordination as a deacon of the Church of England, the Bishop of Rochester, through his diocesan secretaries, refused to enter in the petitioner's letters of orders any other name than was contained in his certificate of baptism without evidence that the said name had been assumed with authority. That the petitioner is about to enter into priest's orders in said church, and that he is informed that the Bishop of Rochester, through his said diocesan secretaries, will again refuse to insert in his letters of orders the name Henry Lindsay Johnston. That it is of importance to the petitioner, as a clergyman of the Church of England, that the name appearing in his letters of orders should be the same as that under which he took his degree at the University of Cambridge."

The prayer of the petition was in the following terms:—"May it therefore please

your Lordships to authorise the petitioner to assume and use the name of Lindsay in addition to his present name of Henry Johnston, and call and subscribe himself Henry Lindsay Johnston, and to ordain this petition and your Lordships' deliverance thereon, to be recorded in the Books of Sederunt.

LORD ADAM—The petitioner's application is for authority to alter his name. Now, any person in Scotland may, without the authority of the Court, call himself what he pleases, and accordingly when a petition for such a purpose is presented, we are in use to dismiss it as unnecessary, unless sufficient reason is shown for the application. The question therefore is, whether there is good reason in this case. The reason assigned is that the petitioner's name, as entered in his baptismal certificate, is Henry Johnston; that he has adopted the name of Henry Lindsay Johnston, and that his name was so entered in the books of the University of Cambridge when he took his degree; that when the petitioner was ordained as a deacon the Bishop of Rochester refused to enter in the petitioner's letters of orders any other name than was contained in his baptismal certificate without evidence that the same had been assumed with authority; that the petitioner is informed that the Bishop will again refuse to insert his adopted name in the letters of orders as priest, and that it is of importance to the petitioner that the name in his letters of orders should be the same as that under which he took his degree. Now, I have no doubt that the Bishop of Rochester will insert the petitioner's adopted name in his letters of orders if the petitioner receives the authority of the Court to assume it. We are in use to grant petitions of this kind in the case of notaries and other such persons, and it rather appears to me that we should grant the application. I see no way in which Mr Johnston can get over the difficulty mentioned in the petition unless we grant the application.

LORD M'LAREN and LORD KINNEAR concurred.

The LORD PRESIDENT was absent.

The Court granted the prayer of the petition.

Counsel for the Petitioner—J. Adam. Agents—Cowan & Dalmahy, W.S.