

A DISQUISITION ON NAMES.

I myself remember when many persons insisted upon having their children christened "Sir Francis Burdett."

Mr. Justice Maule: I remember a very learned and ingenious argument by Mr. Jardine, when I sat in the Court of Exchequer, by which he proved to the satisfaction of the court, that the Christian name is the real name, and the surname is only an addition; that in the case of John Stiles, for instance, John is the real name, but Stiles was originally added only because the ancestor lived near one.

Mr. Serjeant Talfourd: Then having, I hope, convinced the court that "M" by itself cannot be a name, and means nothing, I submit it must be understood as an initial, and therefore that it ought to have been so stated.

Mr. Justice Maule: Pleadings are in writing, therefore the law presumes that the court can read and know its letters. Vowels may be names, and in "Sully's Memoirs" a Monsieur D'O. is spoken of; but consonants cannot be names alone, as they require, in pronunciation, the aid of vowels.

Mr. Serjeant Talfourd: Yes; but in the case of consonants they are taken to be but initials when used alone in law and literature. Throughout the ponderous volumes of Richardson's novels, for instance, we find persons spoken of in this manner. In "Clarissa Harlowe," for instance, "Lord M." is mentioned throughout four volumes, but it could never be understood that this was the real name, or anything more than an initial. Again, an author well known to the Lord Chief (Charles Lamb) wrote a farce entitled simply "Mr. H.," but the whole turns upon this being the initial only of a name he wished to conceal. In his prologue to it he humorously says:

"When the dispensers of the public lash
Soft penance give; a letter and a dash—;
When vice, reduced in size, shrinks to a failing,
And loses half her progress by curtailing,
Faux pas are told in such a modest way,
The affair of Colonel B— with Mrs. A—,
You must forgive them; for what is there, say,
Which such a pliant Vowel must not grant
To such a very pressing Consonant?
Or who poetic justice dares dispute
When, mildly melting at a lover's suit,
The wife's a Liquid, her good man a Mute."

And he concludes by an appeal to the consequences of this "mincing fashion," which (said the learned serjeant) I trust will have great weight with your lordships, for he adds—

"Oh should this mincing fashion ever spread
From names of living heroes to the dead,
How would ambition sigh and hang the head,
As each loved syllable should melt away,
Her Alexander turned into great A,
A single C her Cæsar to express,
Her Scipio sunk into a Roman S—
And nick'd and dock'd to this new mode
Of speech,
Great Hannibal himself to Mr. H—."

The learned serjeant then cited and argued upon a variety of cases on this side of the question, and submitted that their lordships ought to decide in favour of his client.

Mr. F. Robinson, on behalf of the plaintiff, said he did not deny the right of every Englishman to be called by every name given him at his baptism; but he submitted that before he claimed to be privileged on that account, he must show that his privilege has been invaded. Here it was assumed throughout that the "M" in the name "John M. Knott," was an initial letter, but he believed there were instances in which persons had been christened in this remarkable way in this country. He was told there was lately a bank director who was christened "Edmond R. Robinson;" but were it otherwise in this country, did it follow that in no other country, Jew, Turk, or heathen might not use such names? If, however, it were an initial letter, why did not his friend apply to have the right name substituted? If it were a misdescription, it was pleadable in abatement. Such a name might originate from an error of the clergyman at the christening.

The Lord Chief Justice: In the upper circles of society it is customary to hand in the name in writing, which prevents mistake.

Mr. Justice Maule: The practice of the circles with which I am conversant was, and I believe is, to give the name verbally. There was, however, a gentleman, the sheriff of one of the counties I went through on circuit, Mr. John Wanley Sawbridge Erle Drax, whose name was probably handed in. [Laughter.]

Mr. Robinson: There are many Scotch and French names, such as M'Donald, M'Taggart, D'Harcourt, D'Horsey—how are such names, to be set out in the pleadings? Suppose, again, a man's name were the name of a river, as X?

Mr. Justice Maule: But that is not