

65 C.J.S. Names § 1

Corpus Juris Secundum | March 2024 Update

Names


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I. In General

§ 1. Names, generally; definition of "name"

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

- West's Key Number Digest, [Names](#)  2

A name is a word or words used to distinguish and identify a person.

A name is the word or words, designation, or appellation used to distinguish a person or thing or class from others.¹ The name of a person is the distinctive characterization in words by which he or she is known and distinguished from others² or is known in the community.³ The purpose of a name is to identify a person,⁴ although names are used merely as one method of indicating the identity of persons.⁵ They are descriptive of persons for identification⁶ since the identity is the essential thing.⁷ Description, however, is not the equivalent of a name.⁸

Documents such as a driver's license do not determine what constitutes a person's legal name.⁹

Numbers or symbols.

It is common knowledge that words do not consist solely of numbers or symbols,¹⁰ although a name may consist of a number where words are used instead of numerals.¹¹

Nicknames.

A commonly known diminutive or abbreviation of a name is sufficient to identify a person in absence of evidence indicating that a different person is intended.¹²

Distinction of sex.

The law does not distinguish between masculine and feminine names, which are a matter of social tradition. ¹³

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Footnotes

- 1 La.—[Wilty v. Jefferson Parish Democratic Executive Committee](#), 245 La. 145, 157 So. 2d 718 (1963).
Mass.—[O'Brien v. Board of Election Com'rs of City of Boston](#), 257 Mass. 332, 153 N.E. 553 (1926).
N.D.—[Petition of Dengler](#), 246 N.W.2d 758 (N.D. 1976).
- 2 Cal.—[In re Ritchie](#), 159 Cal. App. 3d 1070, 206 Cal. Rptr. 239 (1st Dist. 1984).
N.Y.—[Application of Green](#), 54 Misc. 2d 606, 283 N.Y.S.2d 242 (N.Y. City Civ. Ct. 1967).
- 3 N.D.—[Petition of Dengler](#), 246 N.W.2d 758 (N.D. 1976).
N.Y.—[Toigo v. Columbia County Bd. of Elections](#), 51 Misc. 2d 754, 273 N.Y.S.2d 781 (Sup 1966).
S.C.—[Stevenson v. Ellisor](#), 270 S.C. 560, 243 S.E.2d 445 (1978).
- 4 Ind.—[In re Resnover](#), 979 N.E.2d 668 (Ind. Ct. App. 2012).
- 5 La.—[Wilty v. Jefferson Parish Democratic Executive Committee](#), 245 La. 145, 157 So. 2d 718 (1963).
Mo—[State ex rel. Kansas City Public Service Co. v. Cowan](#), 356 Mo. 674, 203 S.W.2d 407 (1947).
Tex.—[Presley v. Wilson](#), 125 S.W.2d 654 (Tex. Civ. App. Dallas 1939), writ dismissed, judgment correct.
- 6 La.—[Wilty v. Jefferson Parish Democratic Executive Committee](#), 245 La. 145, 157 So. 2d 718 (1963).
Tex.—[Garlington v. State](#), 141 Tex. Crim. 595, 150 S.W.2d 253 (1941).
- 7 La.—[Wilty v. Jefferson Parish Democratic Executive Committee](#), 245 La. 145, 157 So. 2d 718 (1963).
- 8 Mass.—[Putnam v. Bessom](#), 291 Mass. 217, 197 N.E. 147 (1935).
Mo.—[State ex rel. Rainey v. Crowe](#), 382 S.W.2d 38 (Mo. Ct. App. 1964).
- 9 U.S.—[In re Thibault](#), 518 B.R. 698 (Bankr. D. Mass. 2014) (under Massachusetts law).
- 10 Cal.—[In re Ritchie](#), 159 Cal. App. 3d 1070, 206 Cal. Rptr. 239 (1st Dist. 1984).
- Roman numeral III not a name**
Applicant's requested name change to the roman numeral "III" failed to qualify as a name within the meaning of either common law or statute.
- Cal.—[In re Ritchie](#), 159 Cal. App. 3d 1070, 206 Cal. Rptr. 239 (1st Dist. 1984).
- 11 Minn.—[Application of Dengler](#), 287 N.W.2d 637 (Minn. 1979).

Number spelled out may be name

Although a name change statute did not authorize a court order changing a name to a numeral, the statute did not mean that the applicant for a change of name to "1069" could not apply for the same name using words instead of numerals, i.e., "Ten Sixty-Nine" or "One Zero Six Nine."

Minn.—[Application of Dengler, 287 N.W.2d 637 \(Minn. 1979\)](#).

As to change of name, generally, see §§ [15](#), [22](#), [23](#).

[12](#)

Tex.—[Salazar v. Tower, 683 S.W.2d 797 \(Tex. App. Corpus Christi 1984\)](#).

Abbreviation of name sufficient identification

"Terry" is a sufficient identification of "Terrance."

Tex.—[O'Brien v. Cole, 532 S.W.2d 151 \(Tex. Civ. App. Dallas 1976\)](#).

[13](#)

N.Y.—[In re Powell, 95 A.D.3d 1631, 945 N.Y.S.2d 789 \(3d Dep't 2012\)](#).