

of Aldermen; but that if the proposition under consideration is giving an alderman any one of the other offices named in Section 19, this may be done only to the extent stated in that section and explained above.

A. M. SUTHON.

NAMES

Act 106 of the Extra Session of 1877, as amended by Act 420 of 1938 provides for the method of changing names of individuals. Common law right of an individual to take and use any name desired not recognized in Louisiana.

June 2, 1942.

Mr. Frederick M. Kerby, Editor,
Newspaper Information Service, Inc.,
1013 Thirteenth Street,
Washington, D. C.

Dear Sir:

Your communication of May 28, 1942, requesting certain information, has been referred to me for reply, by Honorable Eugene Stanley, Attorney General of this State. You ask two questions:

"(1) What is the legal procedure in your State that must be followed in order to obtain a change of name of an individual?

"(2) In lieu of court procedure, does your State also recognize the common law right of an individual to take and use any name desired, provided no fraud is thereby perpetrated?"

In reply we beg to advise that Act 106 of the Extra Session of 1877 of the Legislature of this State is entitled, "An Act to provide for the change of names by judicial proceedings, to point out the manner of proceeding, and to provide for the payment of the costs thereof."

This act consists of five sections and has been amended by Act No. 420 of 1938 of the Legislative Session of this State. The present law reads, as follows:

"Whenever any person over the age of twenty-one years shall be desirous of changing his or her name he or she shall present a petition to the district court of the parish of his or her residence setting forth the reasons for the desired change, and if the person desiring such change be a minor the petition shall be signed by the father and mother of said minor or by the survivor in case one of them be dead, and in case the minor has no father or mother living, the petition shall be signed by the tutor or tutrix of said minor, and in default of any tutor or tutrix by a special tutor appointed by the judge for that purpose.

"The proceedings shall be carried on contradictorily with the district attorney or district attorney pro tem of the parish in which the application is made,

who shall represent the state, and who shall be served with a copy of the petition and citation to answer the same.

"The judge to whom the application is made may either in open court or in chambers proceed to hear and determine the case and render such judgment as the nature of the relief and the law and the evidence shall justify.

"In case the prayer of the applicant may be granted, judgment shall be rendered granting the change of name desired, which shall be the true and lawful name of the party asking the change after the recordation of the judgment in the miscellaneous records of the said parish.

"The applicant shall in all cases pay the cost of the proceedings."

The foregoing legislation is incorporated in Dart's Louisiana General Statutes, Vol. 1, Sections 2063-2067, both inclusive.

The essential changes and amendments to Act 106 of the Extra Session of 1877 made by Act 420 of 1938 were, as follows: To eliminate from Section 4 of the original act a provision that required the party asking for the change of name to publish the judgment in a newspaper of the Parish for fifteen days as notice to the world. In lieu of this provision as to publication, Act 420 of 1938 merely requires the recordation of the judgment authorizing and permitting the change of name in the miscellaneous records in the Mortgage Office of the Parish (County) wherein the proceedings were had and the judgment rendered. The other change was a minor one which eliminated a fixed fee of \$10.00 to be taxed as a part of the costs in favor of and to be payable to the District Attorney for his services. As you will note from the act above quoted, the taxing of costs is still authorized, but the Court now fixes a fee for the District Attorney without any definite limitation.

So far as the records of this office, available for examination by the writer, indicate, we find no record of complaints as to the existing law, nor any suggestions or requests for changes therein. However, the Legislature of this State is now holding its biennial session and it is, of course, possible that new legislation may be proposed and adopted to provide additional safeguards which are to be added to the existing laws in order to prevent persons disposed to hamper our war efforts from changing their names so as to disguise or conceal their identity. Up to the present time we have no knowledge or information that such legislation has been introduced.

In answer to your second question, the only method by which persons can change their names in this State is that authorized by the act above quoted and we do not

recognize the common law right to take and use any name desired unless and until the formalities prescribed by our acts of the Legislature have been fully complied with.

If we can be of further service, please advise.

BERTRAND I. CAHN.

NATIONAL DEFENSE

U. S. Bonds—Investment

Deducting definite amounts each month from the salaries of public employees in connection with the purchase of Defense Stamps or Bonds on the payroll allotment (savings) plan violates no law of Louisiana.

April 13, 1942.

Honorable Clement M. Moss,
Attorney at Law,
Lake Charles, Louisiana.

My dear Mr. Moss:

Your letter of April 8, 1942, relative to the deduction of definite amounts each month from the salaries of public employees for the purchase of Defense Bonds on the payroll allotment plan, has been referred to me for attention.

No opinion has been rendered by this office on the validity of the plan, but we are of the opinion that this plan, which was recently adopted by the various departments of the state government at the suggestion of the federal government violates no law of Louisiana.

The plan simply provides that a public employee consents to receive his salary partly in cash and partly in Defense Bonds.

Mr. A. P. Tugwell, State Treasurer, has been designated as Trustee of the defense fund and he can give you all of the information which you may desire concerning the operation of the plan.

With personal regards, in which the Attorney General joins me, I am,

W. C. PERRAULT.

Without legislative authority, school board may not invest school construction funds in U. S. Bonds but said funds should be deposited in fiscal agency.

June 27, 1942.

Mr. J. E. Pitcher, Superintendent,
Webster Parish School Board,
Minden, Louisiana.

Dear Mr. Pitcher:

We acknowledge receipt of your letter of June 26, in which you request the opinion of this Department as to the authority of the Webster Parish School Board to invest certain school construction funds in United States War Bonds.