

Woman's name right and marital records in the US

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(US 婚姻データの記述統計)

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This memo summarises the legal cases that affirm woman's name rights by US States. It also examines the data sets: NBER data and NCH data. We will use NCH data due to incompleteness of NBER data.

Read marriage/divorce files

NBER marriage data is at individual level but incomplete

It is not usable for a rigorous analysis.

	StateName	DateMarried	race.g	agem.g	race.b	agem.b
1:	Alabama	1968-01-01	1	23	1	22
2:	Alabama	1968-01-01	2	75	2	58
3:	Alabama	1968-01-01	1	32	1	21
4:	Alabama	1968-01-01	2	26	2	18
5:	Alabama	1968-01-01	1	31	1	29

12055871:	Wyoming	1990-12-31	1	18	1	18
12055872:	Wyoming	1990-12-31	1	41	1	30
12055873:	Wyoming	1990-12-31	1	29	1	30

12055874:	Wyoming	1990-12-31	1	33	1	36
12055875:	Wyoming	1990-12-31	1	36	1	36

Dunn v. Palermo of Tennessee (April 7, 1975) and neighbouring states

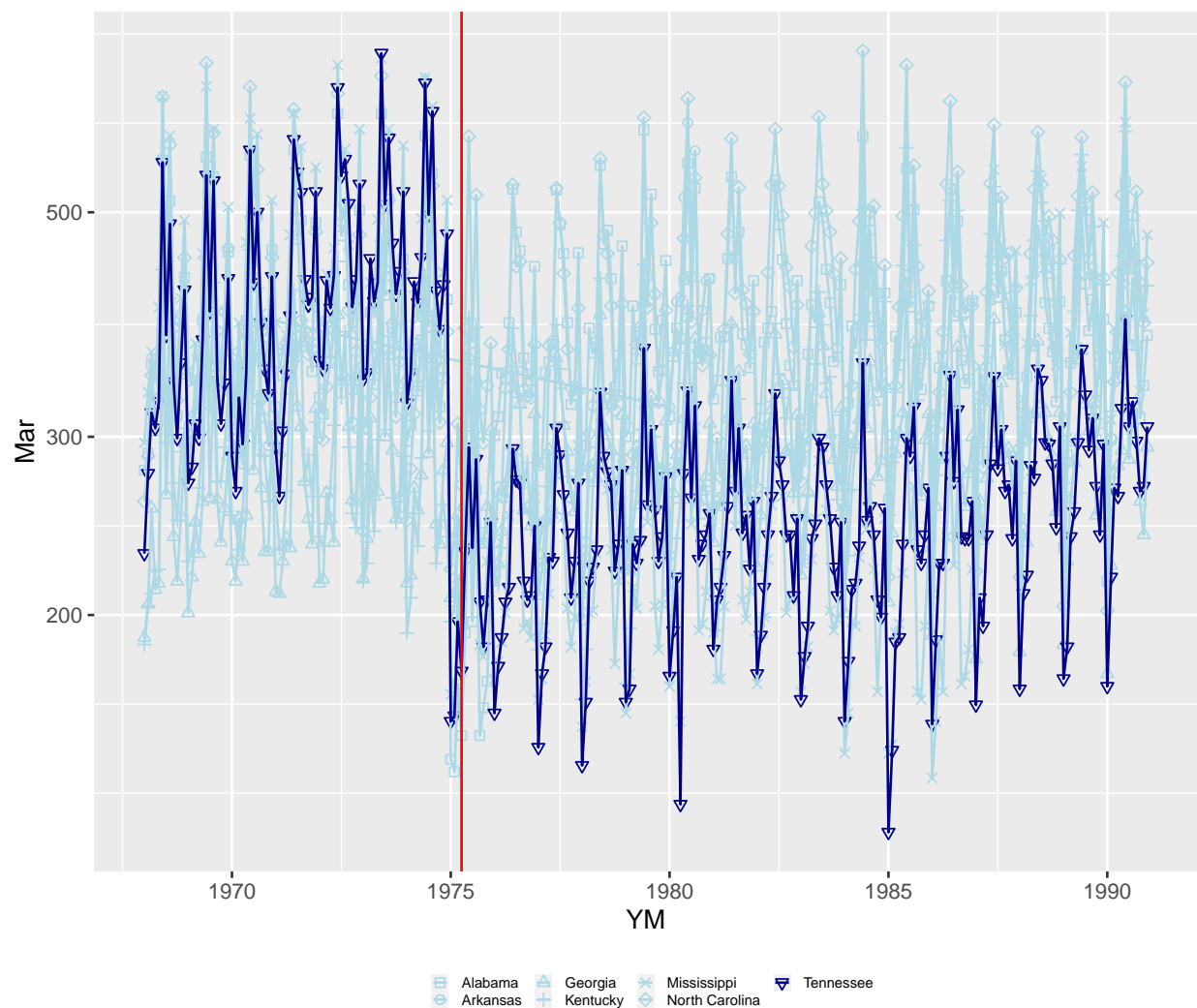


Figure 1: Number of marriages: Tennessee and contiguous states before and after Dunn v. Palermo

There is an obvious data problem with Tennessee in NBER data. The counts are almost halved after 1975. We cannot use it for analysis.

	StateName	month	Mar.1971	Mar.1972	Mar.1973	Mar.1974	Mar.1975	Mar.1976
1:	Tennessee	1	293	357	342	324	157	160
2:	Tennessee	2	262	350	347	347	159	178
3:	Tennessee	3	304	428	450	427	197	190
4:	Tennessee	4	346	402	408	407	176	206
5:	Tennessee	5	395	433	426	451	231	213
6:	Tennessee	6	590	664	718	671	293	292
7:	Tennessee	7	548	543	509	497	233	272
8:	Tennessee	8	523	564	592	629	285	270
9:	Tennessee	9	429	510	466	418	206	216

10: Tennessee	10	405	403	415	383	186	207
11: Tennessee	11	412	429	437	424	207	209
12: Tennessee	12	524	533	524	476	247	245

NCH marriage data is at state level but complete

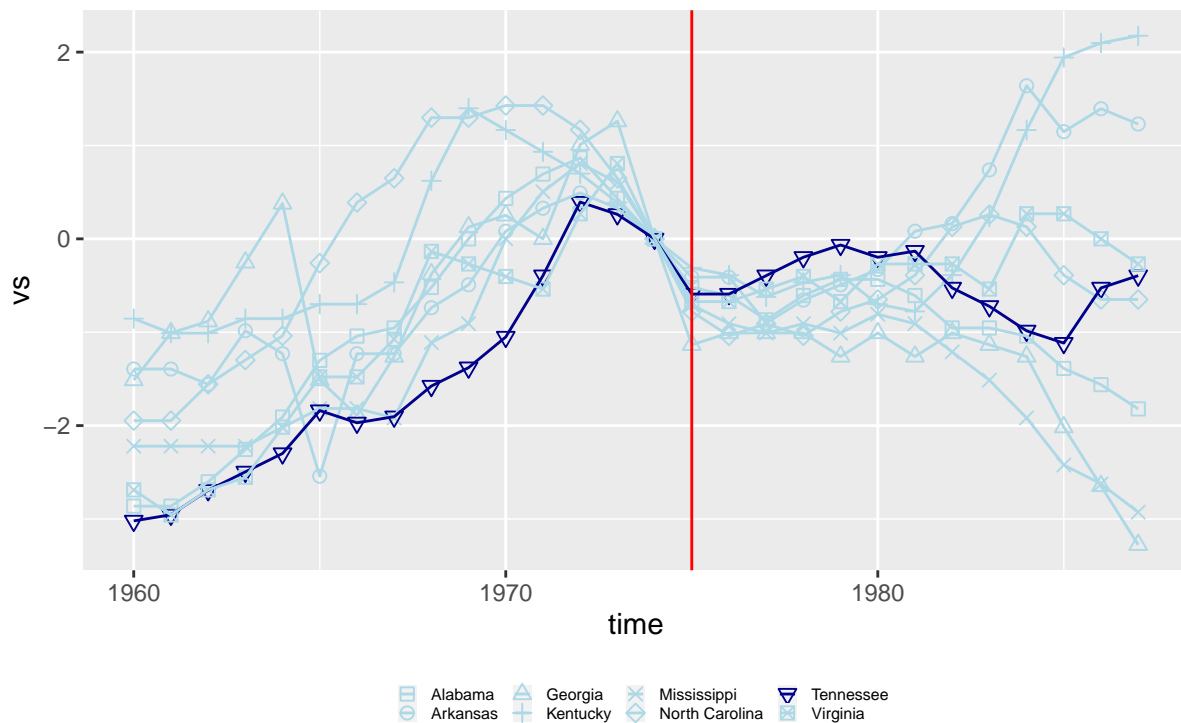
	[,1]	[,2]	[,3]	[,4]	[,5]	[,6]	[,7]
time	1972	1973	1974	1975	1976	1977	1978
Tennessee	56164	56285	54606	51530	53270	55327	57529

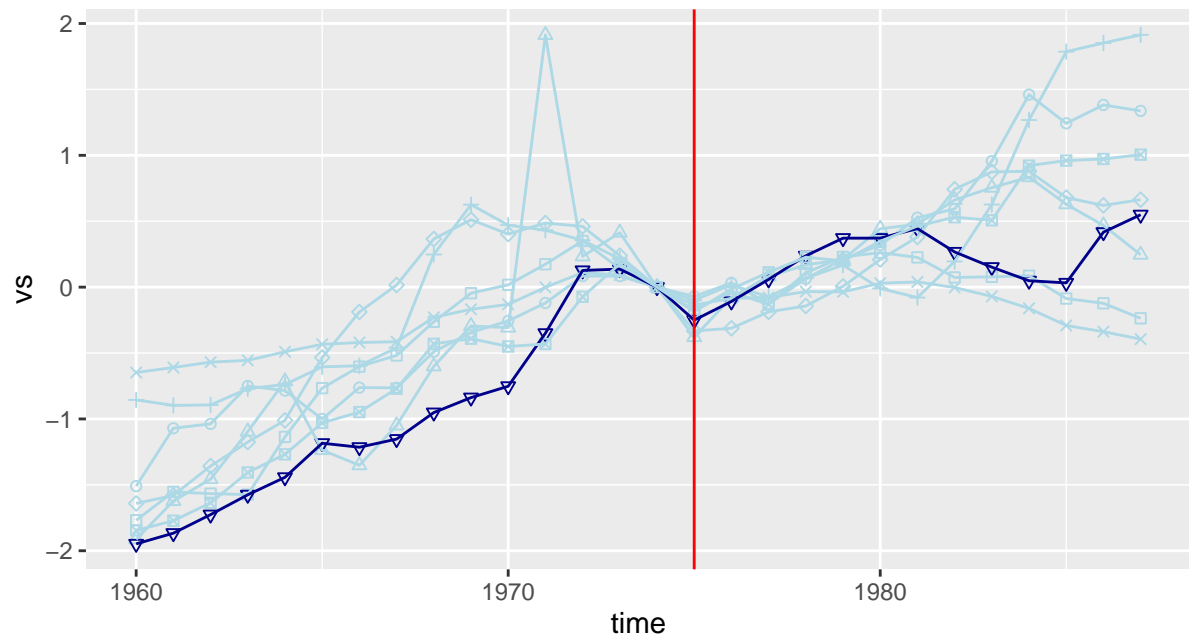
This shows NBER data for Tennessee has a problem. Number of marriage did not halve in 1975.

Display NAs in divorce data. There are some before 1959.

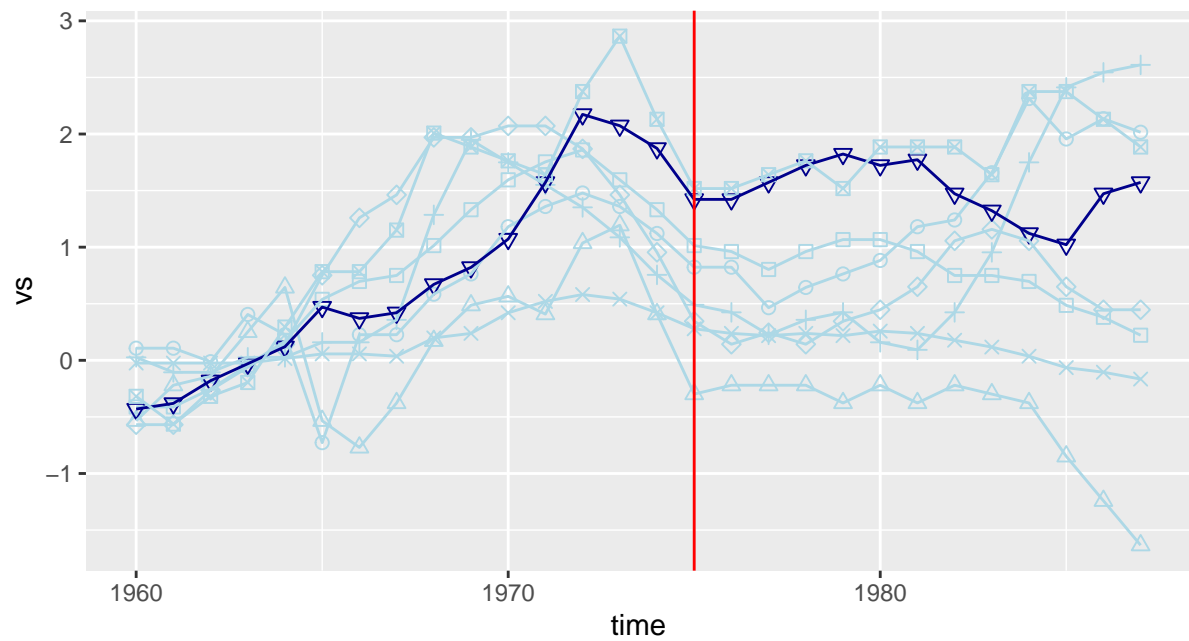
	StateName	time	v	vs	LastNAYear
1:	Illinois	1957	NA	NA	1957
2:	Indiana	1957	NA	NA	1957
3:	Kentucky	1958	NA	NA	1958
4:	Louisiana	1958	NA	NA	1958
5:	Massachusetts	1956	NA	NA	1956
6:	New York	1957	NA	NA	1957
7:	North Carolina	1957	NA	NA	1957
8:	West Virginia	1957	NA	NA	1957

Event-study plots of standardised marriage rates (left) and standardised marriages (right) in Tennessee and contiguous states. Standardisation takes mean of 1974 (top row) and 1961-65 as its mean (bottom row) and set to zero. Rate = marriages / 1000, where population is based on censuses (April 1 of 1960, 70, 80) and interpolated estimates of July 1 of each year.

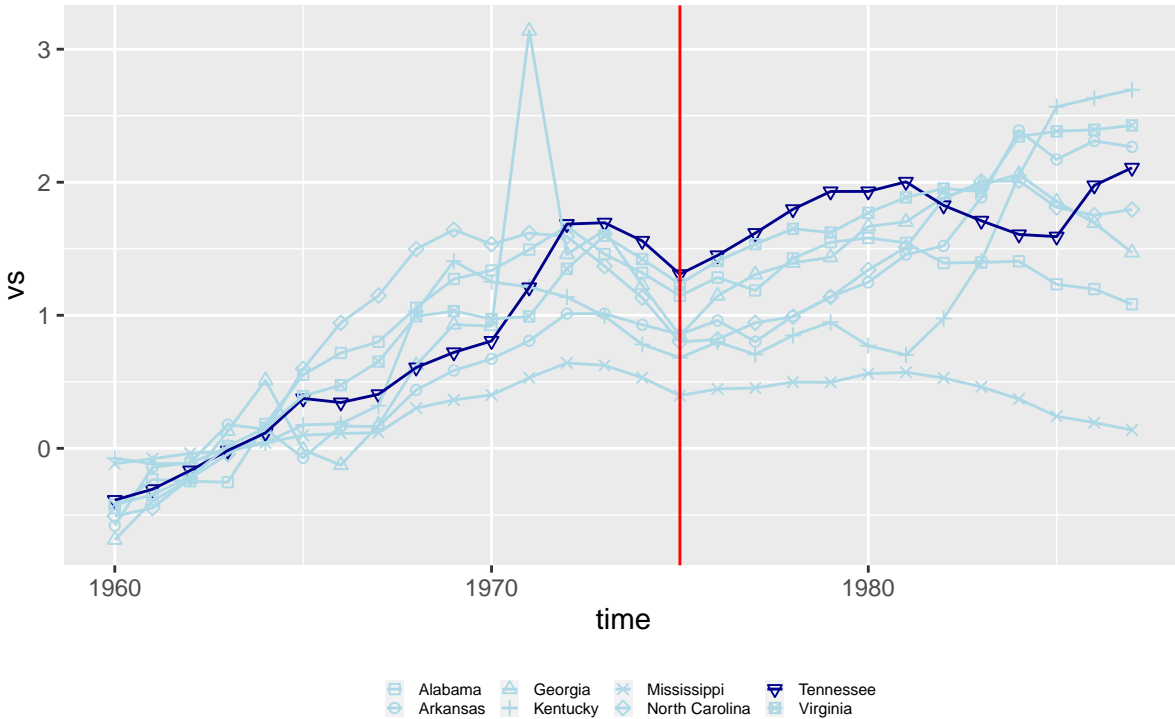




Alabama Georgia Mississippi Tennessee
Arkansas Kentucky North Carolina Virginia



Alabama Georgia Mississippi Tennessee
Arkansas Kentucky North Carolina Virginia



These plots indicate that Tennessee before *Dunn v. Palermo* had low marriage numbers in levels and in rates, and they elevated to one of the top in the group of states in 1972-1981. We cannot see any obvious impacts on marriages of *Dunn v. Palermo* from the plots.

Divorce rates also do not seem to respond to *Dunn v. Palermo* for Tennessee.

By a casual observation, marriage and divorce do not seem to be affected by asserting woman's name rights.

History of woman's name rights in the US

An overview

Most of the name right research starts with around 1900's, the period of no name right. Then proceeds to the 1970's when woman's name right was affirmed in various litigations.

There are many litigations that were negative on the right before the landmark *Stuart v. Board of Directors* (1972) and *Dunn v. Palermo* (1974) which gave affirmative decisions. In negating the right, many courts counted on *Chapman v Phoenix National Bank* (1881). As seen in below, however, *Chapman* is now regarded as an outlier that does not resonate well with historical legal precedents.^{*1} This follows from the research on common law in even earlier years of England.

In *Davis v. Roos* (1976), the court noted the earliest case in the common law right on woman's name:

the common law of England on July 4, 1776, did not by operation of law engraft the husband's surname upon the wife.

Similarly, in *Malone v. Sullivan*, 124 Ariz. 469, 470 (Ariz. 1980), the English court in 1823 is quoted as:

It has been asserted in the argument, that a married woman cannot legally bear any other name than that which she has acquired in wedlock; but the fact is not so; a married woman may legally

^{*1}In *Davis and Roos* (1976), the court writes: It is our conclusion that history or precedent fails to support the "Chapman" enunciations.

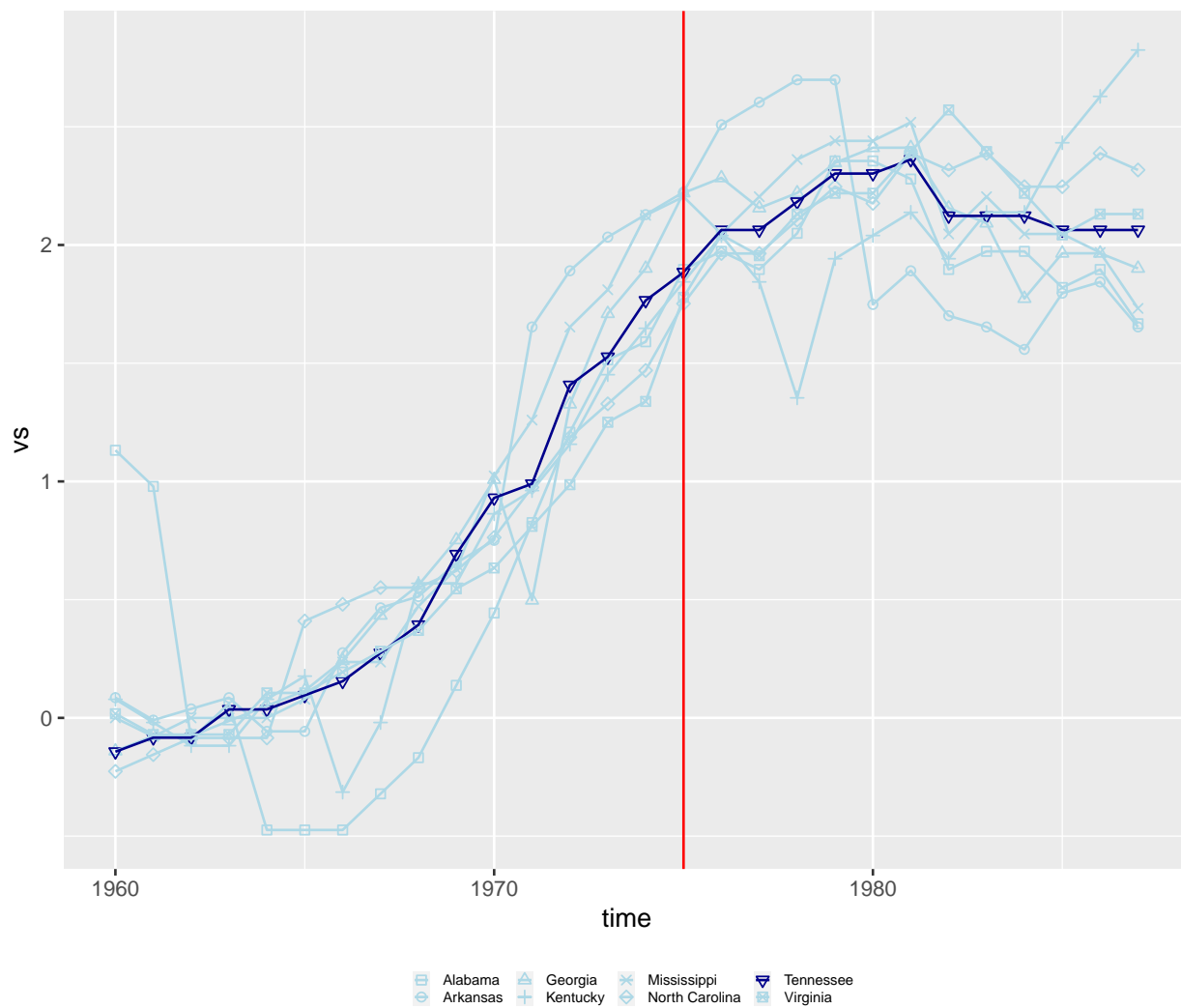


Figure 2: Divorce rates (standardized, 1961-65 mean = 0): Tennessee and contiguous states before and after Dunn v. Palermo

bear a different name from her husband, and very many living instances might be quoted in proof of the fact. [The King v. The Inhabitants of St. Faith's Newton, 3 Dowling Ryland Reports 348, 352.]

Malone v. Sullivan (1980)

It would appear that the custom of the wife's taking the name of the husband at the time of marriage remained just that, custom, and never became law. It was and is a question of choice and reputation.

We do not believe that *Chapman* is persuasive.

Another good historical summary is given by *Opinion No. 75-281 (1975)*, AG (Ops.Okla.Atty.Gen. Nov. 14, 1975). The oldest case being quoted in this opinion dates back to 1897: "Also, in *Rice v. State (1897)*^{*2}, the Court quoted the following language with approval."

It is said, the husband being the head of a family, the wife and children adopt his family name, — by custom, the wife is called by the husband's name; but whether marriage shall work any change of name at all is, after all, a mere question of choice, and either may take the other's name, or they may join their names together.

The most important phrase in this quote is "either may take the other's name" part that indicates bloom and bride may take their own or other's name. It acknowledges the woman's name right to use her maiden name. The last part, "or they may join their names together", refers to double barrell, including the hyphenated name, to be used. Although affirmative to woman's name right, it is not evident if it also affirms a couple to use different surnames.

The opinion goes on: "In *State v. Green (1961)*^{*3}, the Court, in determining the validity of candidacy for office of a married woman who sought to have her maiden name listed on the ballot, examined the English common law, stating:"

It is only by custom, in English speaking countries, that a woman, upon marriage, adopts the surname of her husband in place of her father. . . . In England, from which came our customs with respect to names, a woman is permitted to retain her maiden surname upon marriage if she so desires.

M. Turner-Samuels, in his book on 'The Law of Married Women' at page 345 (Turner-Samuels 1957, 345), states: "In England, custom has long since ordained that a married woman takes her husband's name. This practice is not invariable; not compellable by law. *A wife may continue to use her maiden, married, or any other name she wishes to be known by.*"

Lamber (1973, 781) notes on the practice in the England:

Men sometimes adopted their wives' surnames, and it was common for children of prominent or wealthy women to adopt their mother's surname.

No name right (-1960)

Spencer (1973, 677) writes that courts have consistently held that a woman automatically assumes husband's surname by operation of law, not merely as a matter of custom. For starters, Spencer (1973, p.667) cites NY Court of Appeals *Chapman v Phoenix National Bank No.85 NY (1881)* as the first important American case of not allowing woman's name rights:

. . . a woman, upon marriage, takes her husband's surname. That becomes her legal name, and she ceases to be known by her maiden name. ...*(snip)*... Her maiden name is absolutely lost, and she ceases to be known thereby.

^{*2}37 Tex. Cr. R. 36, 38 S.W. 801 (1897)

^{*3}114 Ohio App. 497, 177 N.E.2d 616 (1961)

In *People ex rel. Rago v Lipsky (1941)*, the court cites *Freeman and Chapman ()* that declares (below quote is from Spencer 1973, p.671)^{*4}

. . . it is well settled by common-law principles and immemorial custom that *a woman upon marriage abandons her maiden name and takes her husband's surname.*

However, the relationship between the law and the custom, where traditionally the law demands a woman to change the surname and is also accepted as a custom, began to switch in some courts. In Ohio, State ex rel. *Bucher v Brower (1941)* and *State, ex rel. Krupa v. Green (1961)*, both courts hold that a woman takes her husband's surname as a matter of custom, rather than automatic operation of law.

In *Forbush v. Wallace (Sep 28, 1971)*, Alabama District Court concludes that it is not a constitutional right for a woman to use her maiden name in the driver's license ^{*5}, but it no longer refers it as an operation of law.

After 1971

After *Forbush v. Wallace (Sep 28, 1971)*, the courts started to lean towards affirmative to woman's name right by referencing the common law stating anyone can choose one's own name without a legal proceeding. This is under the pretext that the common law regarded the Christian name, with the sanction of baptism behind it, as all important (Rice v. Department of Health & Rehabilitative Services, 386 So. 2d 844 (Fla. Dist. Ct. App. 1980)).

Legal experts started to question the restrictions imposed by statutes despite the common law name rights, as in Bysiewicz and MacDonnell (1972, 603):

The absence of name change requirement at the time of marriage should invalidate any other effort to compel adoption of the husband's surname. *If the state wishes the two parties to take husband's surname at marriage, it can so provide; the only one that has done so is Hawaii.*^{*6}

As stated in *Matter of Halligan (1974)*,

Under the common law a person may change his or her name at will so long as there is no fraud, misrepresentation or interference with the rights of others (Smith v. United States Cas. Co., 197 N.Y. 420, 428-429; Matter of Wing, 4 Misc.2d 840). ... *Under common law the change is accomplished by usage or habit.*

Spencer (1973) classifies the causes of a legal challenge on woman's name right:

- Incidental: Convenience of administrative procedure, such as court notification using husband's surname, is at issue.
- Direct: A direct attack on the marital surname rule. The legal surname of woman is at issue, such as voter registration under the woman's maiden name.

The opinion also notes the divide in the legal decisions ^{*7}.

The opinion on the legal trends in 1970's notes that the *Stuart* case in 1972 marks the turnaround. It writes: "Of the recent decisions regarding a married woman's surname, the *Stuart* case is the better reasoned

^{*4}This is not an exact quote: Under common law principles and immemorial custom, upon marriage, woman abandons her maiden name and takes husband's surname, with which is used her own given name.

^{*5}. . . "plaintiff's motion" (that the Alabama Department of Public Safety's regulation that requires a married woman to use her husband's surname in obtaining a driver's license in violation of the Fourteenth Amendment to the United States Constitution) " ... is hereby denied."

^{*6}Hawaii § 574-a: Every married woman shall adopt her husband's surname as a family name.

^{*7}"A few courts have enunciated a common law rule that a woman, upon her marriage, takes her husband's surname by operation of law [Chapman v. Phoenix National Bank, 85 N.Y. 437 (1881); People ex rel. Rago v. Lipsky, 327 Ill. App. 63, 63 N.E.2d 462 (1945), Forbush v. Wallace, 341 F. Supp. 217 (N.D. Ala. 1971)]. However, the most comprehensive examination of the common law rule regarding a woman's surname upon marriage is *Stuart v. Board of Supervisors of Elections (1972)* [266 Md. 440, 295 A.2d 223, 225 (1972)], wherein the Court stated: 'What constitutes the correct legal name of a married woman under common law principles is a question which has occasioned a sharp split of authorities...'"

one. In it, the Court:”

. . . Recognized the common law right of any person, absent a statute to the contrary, . . . if a married woman could lawfully adopt an assumed name without legal proceedings, the Maryland law manifestly permitted *a married woman to retain her birth given name* by the same procedure of consistent, nonfraudulent use following her marriage.

Stuart’s court also notes that the law does not automatically establish majority choice of using husband’s surname as a law^{*8}.

Finally, the opinion decides on the Oklahoma case:^{*9}

The name that a woman assumes by marriage not being governed by statutory provisions, and the allowance by the exclusionary section of the Change of Name Act (viz., 1637, supra) of a change of name by marriage without formal court proceedings, permit a married woman to retain her maiden surname, or to assume her husband’s surname and retain all or as much of her maiden name as she chooses.

Opinions of judges are found in <https://law.justia.com/> or <https://casetext.com/case/>. Another great resource is <https://commonlaw.name/> where legal cases of name changes are collected for each state.

Creating event date file

MacDougall (1985, footnote9) and Augustine-Adams (1997, footnote18) list the legal cases in each state that women’s name right was acknowledged for the first time in the judicial system.

A table of all cases.

^{*8}That a married woman’s surname does not become that of her husband where . . . she evidences a clear intent to consistently and nonfraudulently use her birth given name subsequent to her marriage. Thus . . . the mere fact of the marriage does not, as a matter of law, operate to establish the custom and tradition of the majority as a rule of law binding upon all. (p. 227)

^{*9}“With regard to voluntary name change, prior to the effective date of the Change of Name Act, supra, Oklahoma followed the common law rule stated in Syllabus 1 by the Court in *Huff v. State Election Board (1934)* [168 Okl. 277, 32 P.2d 920, 93 A.L.R. 906 (1934)]. A person may, at common law, change his or her name in good faith and for an honest purpose, by adopting a new name and transacting his or her business and holding himself or herself out under the new name, with the acquiescence and recognition of his or her friends and acquaintances, and this right is not abrogated by the Constitution or any statute of this state. The name that a woman assumes by marriage not being governed by statutory provisions, and the allowance by the exclusionary section of the Change of Name Act (viz., 1637, supra) of a change of name by marriage without formal court proceedings, permit a married woman to retain her maiden surname, or to assume her husband’s surname and retain all or as much of her maiden name as she chooses.”

Table 1: States with their first years in legal decisions : MacDougall and Augustine-Adams

state	case	year.A	year.M	ref.A	ref.M
Alabama	State v. Taylor	1982	1982	415 So. 2d 1043, 1047	415 So. 2d 1043 (Ala. 1982) [[Seiro added:](https://casetext.com/case/state-v-taylor-832#:~:text=and%20general%20relief.-,The%20trial%20judge,-held%20a%20hearing) a married woman's right to register to vote in her maiden name. ...(snip)... The Board of Registrars filed an answer ...(snip)... the legal name of a married woman is her husband's surname. ...(snip)... The trial judge held a hearing ...(snip)... The order directed the board to register Taylor and Theriot in their maiden surnames. ...(snip)... The judgment of the trial court is due to be affirmed.]
Alaska	Op. Att'y. Gen.	NA	1976	NA	Alaska (May 5, 1976)
Arizona	Laks v. Laks	NA	1975	NA	25 Ariz. App. 58, 540 P.2d 1277 (1975) [Seiro added: Divorced mother's right to rename children as MotherMaidenName-FatherSurName was rejected by the court.] [[Seiro added:](https://casetext.com/case/laks-v-laks#:~:text=of%20the%20children%3F,Appellant,-%2C%20in%20a%20memorandum) Appellant ... had, without appellee's consent, changed the surname of the three minor children ... to that of 'Eliot-Laks', Eliot being her maiden name. ...(snip)... the trial court found it was not in the best interest of the children to effectuate the name change. Primrock v. Wilson, 55 Ariz. 192, 100 P.2d 180 (1940). Affirmed.]

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Table 1: States with their first years in legal decisions : MacDougall and Augustine-Adams (*continued*)

state	case	year.A	year.M	ref.A	ref.M
Arizona	Malone v. Sulli- van	1980	1980	605 P.2d 447	124 Ariz. 469, 605 P.2d 447 (1980) [[Seiro added:](https://casetext.com/case/malone- v- sullivan#:~:text=Respondent%27s%20ma- Did the commissioner abuse his discretion in refusing to consider petitioner's petition for dissolution of marriage because the petition was filed in petitioner's maiden or paternal surname rather than in her husband's surname? ... (snip)... Respondent's refusal to grant petitioner's petition solely because it was filed under her maiden surname was error.]
Arkansas	Op. Att'y Gen.	NA	1974	NA	Ark. No. 74-123 (Oct. 8, 1974) [[Seiro added: Under Arkansas law a married woman may retain her maiden name, and if Pamela Walker did not change her name when she married she was entitled to be registered under her maiden name. \url{https://law.justia.com/cases/federal courts/FSupp/391/1395/1494569/}}] [[Seiro added:](https://law.justia.com/cases/federal courts/FSupp/391/1395/1494569/#:~:text=
Arkansas	Op. Att'y Gen.	NA	1974	NA	Ark. No. 74-75 (April 19, 1974) [[Seiro added:](https://law.justia.com/cases/federal courts/FSupp/391/1395/1494569/#:~:text=an an opinion from the Attorney General of Arkansas, rendered in April, 1974, to the effect that 'there is no Arkansas law which automatically changes a woman's name to that of her husband upon marriage.')]]

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Table 1: States with their first years in legal decisions : MacDougall and Augustine-Adams (*continued*)

state	case	year.A	year.M	ref.A	ref.M
Arkansas	Walker v. Jackson	NA	1975	NA	391 F. Supp. 1395 (E.D. Ark. 1975) [[Seiro added:](https://law.justia.com/cases/federal/courts/FSupp/391/1395/1494569/) Amendment 51 to the Constitution of the State of Arkansas, which amendment sets up a system of permanent registration for Arkansas voters ...(snip)... in the case of a woman her name as it appears on the affidavit must be prefixed by the word 'Miss' or 'Mrs.' so as to reflect her current or past marital status. There is no comparable requirement for male registrants. Plaintiffs claim that the section, as written and applied, is violative of the Ninth, Fourteenth and Nineteenth Amendments to the Constitution of the United States. ...(snip)... We hold, therefore, that the prefix requirement violates the Equal Protection Clause of the Fourteenth Amendment; ...(snip)... 'The Court finds that plaintiffs are entitled under Arkansas law to use whatever name they care to use as long as the use is not for fraudulent purposes.' As has been seen, that is also the view of the Attorney General of Arkansas, and it is also the view of this full Court.]
California	Op. Atty Gen.	NA	1974	NA	Cal. (March 12, 1974) [Seiro added: Judge noted, in a petition for a divorce, a woman has the right to use her maiden name to file the case.]

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Table 1: States with their first years in legal decisions : MacDougall and Augustine-Adams (*continued*)

state	case	year.A	year.M	ref.A	ref.M
California	Weathers v. Superior Court	1976	1976	126 Cal. Rptr. 547 Ct. App. [[Seiro added:](https://casetext.com/case/weathers-v-superior-court#:~:text=the%20issue%20of,the%20right%20of%20a%20wife,who%20during%20marriage) the right of a wife who during marriage used her maiden name to petition for a dissolution of marriage in that name rather than the surname of her husband. We conclude that the wife has the right so to file her petition. ...(snip)... Accordingly, when a woman marries, she may choose to be known by the surname of her husband or by her maiden surname. ...(snip)... Although married, she may maintain an action in court using the name by which she was known prior to marriage. ([Cherrigan v. City etc. of San Francisco, 262 Cal.App.2d 643, 653, June 3, 1968](https://casetext.com/case/cherrigan-v-city-etc-of-san-francisco#p653))	54 Cal. App. 3d 286, 126 Cal. Rptr. 547 (1976) [Seiro added: Judge noted, in a petition for a divorce, a woman has the right to use her maiden name to file the case.] [[Seiro added:](https://casetext.com/case/weathers-v-superior-court#:~:text=Accordingly%2C%20wh) Accordingly, when a woman marries, she may choose to be known by the surname of her husband or by her maiden surname. ... (snip) ... The trial court thus exceeded its jurisdiction in refusing to entertain wife's petition for dissolution of marriage solely because the petition was filed in wife's maiden name.]
Connecticut	Op. Att'y Gen.	NA	1975	NA	Conn. (Jan. 23, 1975)
Connecticut	Custer v. Bonadies	1974	1974	318 A.2d 639 Conn. Super. Ct.	30 Conn. Supp. 385, 318 A.2d 639 (Super. Ct. 1974) [[Seiro added:](https://casetext.com/case/custer-v-bonadies) Since the plaintiff married women established a clear legal right to register to vote under their maiden names, which they consistently use, and since no other adequate remedy exists, they are entitled to relief by mandamus.]
Delaware	Op. Att'y Gen.	NA	1974	NA	Del. (Aug. 7, 1974)
District of Columbia	Op. Corp. Counsel D.C.	NA	1975	NA	1975

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Table 1: States with their first years in legal decisions : MacDougall and Augustine-Adams (*continued*)

state	case	year.A	year.M	ref.A	ref.M
District of Columbia	Brown v. Brown	1977	1978	384 A.2d 632, 632	382 A.2d 1038 (D.C. 1978), vacating 384 A.2d 632 (D.C. 1977) [[Seiro added:](https://casetext.com/case/brown-v-brown-423#:~:text=The%20case%20is%20remanded,In%20this%20appeal%20from%20a%20judgment%20of%20divorce,appellant%20claims%20that%20the%20trial%20court%20erred%20in%20denying%20her%20request%20that%20her%20maiden%20name%20be%20restored.%20We%20agree%20and%20remand%20to%20the%20trial%20court%20with%20directions%20that%20appellant%27s%20maiden%20name%20be%20restored.)]
Florida	1976 Op. Att'y Gen.	NA	1976	NA	Fla. 076-66 (March 24, 1976)

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Table 1: States with their first years in legal decisions : MacDougall and Augustine-Adams (*continued*)

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Table 1: States with their first years in legal decisions : MacDougall and Augustine-Adams (*continued*)

state	case	year.A	year.M	ref.A	ref.M
Florida	In re Hooper	NA	1983	NA	436 So. 2d 401 (Fla. Dist. Ct. App. 1983) [[Seiro added:](https://casetext.com/case/in-re-hooper-2#p403:~:text=The%20right%20of%20The right of a woman to her birth-given name, notwithstanding marriage, is established under Florida law. See Marshall v. State, [301 So.2d 477](https://casetext.com/case/marshall-v-state-133) (Fla. 1st DCA 1974); Davis v. Roos, [326 So.2d 226](https://casetext.com/case/davis-v-roos) (Fla. 3d DCA 1976). See also Egner v. Egner, [133 N.J. Super. 403](https://casetext.com/case/egner-v-egner-3), [337 A.2d 46](https://casetext.com/case/egner-v-egner-3) (N.J. 1975).]
Florida	Pilch v. Pilch	NA	1984	NA	447 So. 2d 989 (Fla. Dist. Ct. App. 1984)
Florida	Marshall v. State	1974	1974	301 So. 2d 477 Fla. Dist. Ct. App.	301 So. 2d 477 (Fla. Dist. Ct. App. 1974) [[Seiro added:](https://casetext.com/case/marshall-v-state-133) Appellant, a married woman, filed a petition with the Leon County Circuit Court seeking to establish her maiden or birth name as her legal name even though she continued her marriage with her husband. There is nothing in Florida Statutes, § 62.031 which prohibits a married woman from establishing her birth name as her legal name even though her marriage relationship continues.]
Florida	FLA. ATr'y GEN. ANN. REP.	1976	NA	\textsection 076-66 at 120	NA

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Table 1: States with their first years in legal decisions : MacDougall and Augustine-Adams (*continued*)

state	case	year.A	year.M	ref.A	ref.M
Georgia	Op. Att'y Gen.	NA	1975	NA	Ga. No. 75-49 (June 3, 1975) [[Seiro added:](https://commonlaw.name/GA-AG-Opinion-75-49.pdf) it is my official opinion that a married woman's surname is that of her husband but that she may change her name for all legal purposes, including issuance of a driver's license, by judicial decree or by consistent usage of another name without resort to judicial proceedings.]
Georgia	Ga. Code Ann.	NA	1985	NA	\textsection 19-3-33.1 (Supp. 1985)
Hawaii	Hawaii Rev. Stat.	NA	1976	NA	\textsection 574-1 (1976) [[Seiro added:](https://law.justia.com/cases/fe-courts/FSupp/466/714/2360834/#:~:te,Until%201975%2C,-it%20was%20required) Until 1975, it was required that every married woman shall adopt her husband's name as a 'family name.' H.R.S. § 574-1 (1968). This was changed in 1975 to allow a wife to retain her maiden name, or a husband to take his wife's surname, or either party to choose a hyphenated combination of both surnames, in either order. L.1975, ch. 114, § 1.]
Hawaii	Jech v. Burch	NA	1979	NA	466 F. Supp. 714 (D. Hawaii 1979)
Illinois	Op. Att'y Gen.	NA	1974	NA	Ill. No. S-711 (Feb. 25, 1974) [[Seiro added:](https://ag.state.il.us/opinions/711.pdf) if a woman upon marriage does not assume her husband's surname but retains her maiden name, she is not required to notify the Secretary of State.]

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Table 1: States with their first years in legal decisions : MacDougall and Augustine-Adams (*continued*)

state	case	year.A	year.M	ref.A	ref.M
Illinois	Op. Att’y Gen.	NA	1974	NA	Ill. S-695 (Feb. 13, 1974), both opinions indicating that Illinois does not follow Rago v. Lipsky, 327 Ill. App. 63, 63 N.E.2d 642 (1945) (country’s sole case holding that a married woman takes her husband’s surname as her ”legal” name at common law) [[Seiro added:](https://ag.state.il.us/opinions/695.pdf) It should be noted that in Illinois there is no statute which requires a woman to adopt assume, or change her own name to her husband’s surname upon marriage.]
Indiana	In re Hauptly	1974	1974	312 N.E.2d 857	262 Ind. 150, 312 N.E.2d 857 (1974) [[Seiro added:](https://casetext.com/case/in-re-hauptly) A woman has a common law right to do business in a name other than her married name. ... a person may change his name at will without any legal proceedings by merely adopting another name. The mere speculation by the State that the appellant’s decision to change her name might cause embarrassment to her child was not sufficient to justify the trial court’s denial of the appellant’s petition for a name change.]
Iowa	Op. Att’y Gen.	NA	1980	NA	Iowa (March 25, 1980) [[Seiro added:](https://www.legis.iowa.gov/doc) This is about hyphenated names which the Assistant Attorney General concurs to.]
Iowa	Iowa Code Ann.	NA	1981	NA	\textsection 595.5 (West 1981)

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Table 1: States with their first years in legal decisions : MacDougall and Augustine-Adams (*continued*)

state	case	year.A	year.M	ref.A	ref.M
Kansas	Op. Att'y Gen.	NA	1973	NA	Kan. No. 73-47 (Feb. 1, 1973) following Gallop v. Shanahan No. 120, 456 (Dist. Ct. Shawnee County, Nov. 2, 1972), noted in Note, Constitutional Law-Equal Protection and Right of Suffrage Prohibits State From Cancelling Voter Registration of Newly Married Woman-Women Upon Marriage Do Not Necessarily Abandon Maiden Name, 21 U. Kan. L. Rev. 588 (1972-73)
Kentucky	Op. Att'y Gen.	NA	1974	NA	Ky. No. 74-902 (Dec. 26, 1974)
Kentucky	Op. Att'y Gen.	NA	1974	NA	Ky. No. 74-349 (May 14, 1974)
Kentucky	Op. Att'y Gen.	NA	1977	NA	Ky. No. 77-334 (May 23, 1977)
Kentucky	Op. Att'y Gen.	NA	1977	NA	Ky. No. 77-239 (April 13, 1977)
Kentucky	Memoran Ky. Dept. Trans- porta- tion	NA	1981	NA	(Oct. 30, 1981) (Kentucky Department of Transportation relinquishes position that a married woman must obtain driver's license in her husband's surname unless she has a court-ordered name "change")
Louisiana	Boothe v. Papale	NA	1975	NA	No. 74-939 (E.D. La. Feb. 12, 1975) (Order granting plaintiffs Motion for Summary Judgment) [Seiro added: Affirms that, in Louisiana, it is customary for women to use the maiden name after marriage. \citep[[fn 54]{Gorence1976}]]
Louisiana	Pugh v. Theall	NA	1977	NA	342 So. 2d 274 (La. Ct. App. 1977), cert. denied 344 So. 2d 1055 (La. 1977) [Seiro added: Affirms that, in Louisiana, it is customary for women to use the maiden name after marriage. \url{https://www.casemine.com/judger

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Table 1: States with their first years in legal decisions : MacDougall and Augustine-Adams (*continued*)

state	case	year.A	year.M	ref.A	ref.M
Louisiana	La. Rev. Stat. Ann.	NA	1984	NA	\textsection 40:34.A.(1)(a)(iii) (West 1984) (statute relating to naming children at birth)
Maine	Op. Atty. Gen.	NA	1974	NA	Me. (April 12, 1974)
Maine	In re Reben	NA	1975	NA	342 A.2d 688 (Me. 1975) [[Seiro added:](https://law.justia.com/cases/maine/court/1975/342-a-2d-688-0.html) the appellant first alleges that she has a right under the common law to choose any name she wishes, unless motivated by a fraudulent purpose, and that as the Judge of Probate found no fraudulent purpose, his denial of her petition was an abuse of discretion. ... (snip) ... We sustain her appeal. ... (snip) ... This opinion, also, will leave many questions unanswered, foremost, probably, the question whether a woman takes the surname of her husband at marriage by operation of law. Traditionally this has been the almost unanimous practice in this state, yet no statute has required it and no decision of this Court has ever affirmed it as being mandated by the common law.]
Maine	Op. Att'y Gen.	NA	1978	NA	Me. (April 4, 1978)
Maine	ME. Op. ATr'Y GEN.	1978	NA	WL 33940 Me.A.G.	NA
Maryland	Op. Att'y Gen.	NA	1972	NA	Md. (Nov. 30, 1972)
Maryland	Op. Att'y Gen.	NA	1974	NA	Md. (May 7, 1974)
Maryland	Op. Atty. Gen.	NA	1974	NA	Md.(March 30, 1974)

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Table 1: States with their first years in legal decisions : MacDougall and Augustine-Adams (*continued*)

state	case	year.A	year.M	ref.A	ref.M
Maryland	Klein v. Klein	NA	1977	NA	36 Md. App. 177, 373 A.2d 86 (Ct. Spec. App. 1977) [[Seiro added:](https://casetext.com/case/klein-v-klein-114#:~:text=Q.%20144%20(1958).- ,That%20Maryland,- follows%20the%20common) That Maryland follows the common law with respect to a name change is no longer open to question. Hardy v. Hardy, 269 Md. 412, 306 A.2d 244 (1973); Stuart v. Board of Supervisors, 266 Md. 440, 295 A.2d 223 (1972); Romans v. State, 178 Md. 588, 16 A.2d 642 (1940); Hall v. Hall, supra. ...(snip)... We hold that it is an abuse of discretion to deny a woman who requests it at the time of divorce the restoration of her prenuptial name, absent illegal, fraudulent, or immoral purposes.]
Maryland	Goldin v. Goldin	NA	1981	NA	48 Md. App. 154, 426 A.2d 410 (Ct. Spec. App. 1981)
Maryland	Op. Att'y Gen.	NA	1983	NA	Md. (Jan. 20, 1983)
Maryland	Stuart v. Board of Super- visors	1972	1972	295 A.2d 223	266 Md. 440, 295 A.2d 223 (1972), noted in the right of a married woman to use her birth-given surname for voter registration, 32 Md. L. Rev. 409 (1973) [[Seiro added:](https://casetext.com/case/stuart-v-board-of-elections#:~:text=a%20woman%20may a woman may retain her birth name after marriage merely by consistently and nonfraudulently using it.]
Massachusetts	Mass. Ann.	NA	1983	NA	Laws ch. 46 \textsection 1D (Law. Co-op. Supp. 1983)
Massachusetts	MASS. Op. ATr'y GEN.	1974	NA	Number 5 at 48	NA

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Table 1: States with their first years in legal decisions : MacDougall and Augustine-Adams (*continued*)

state	case	year.A	year.M	ref.A	ref.M
Massachusetts	Secretary of the Commonwealth v. City Clerk of Lowell	1977	1977	366 N.E.2d 717	373 Mass. 178, 366 N.E.2d 717 (1977) [[Seiro added:](https://law.justia.com/cases/mass/court/1977/373-mass-178-2.html) In 1974 the Attorney General issued three opinions with respect to the recording and use of names. Rep. A.G., Pub. Doc. No. 12, at 105 (1974). Rep. A.G., Pub. Doc. No. 12, at 48 (1974). Rep. A.G., Pub. Doc. No. 12, at 72 (1974). Those opinions asserted and elaborated a common law principle that people may select or change their names freely if there is no fraudulent intent. The defendants, city and town clerks, refused to follow those opinions ...(snip)... We hold that the Attorney General is right and the city and town clerks are wrong, and order that the rights of the parties be declared accordingly. ...(snip)... A woman, regardless of her marital status, may change her name at will, without resorting to legal proceedings, provided it is done for an honest purpose. [187-189]] Mich. No. 4834 (Oct. 2, 1974)
Michigan	Op. Att'y Gen.	NA	1974	NA	
Michigan	Piotrowski v. Piotrowski	NA	1976	NA	71 Mich. App. 213, 247 N.W.2d 354 (1976) [[Seiro added:](<a 775="" 845="" 860"="" 988="" data-label="Text" href="https://casetext.com/case/piotrowski-v-piotrowski#:~:text=There%20is%20no,There is no requirement that any person go through the courts to establish a legal change of name. ...(snip)... The circumstance that there is a minor child is not enough to support denial of the request. ...(znip)... Reversed and remanded for a decree to restore to plaintiff her maiden name.]</td></tr> </table> </div> <div data-bbox="> <p>(Continued on next page...)</p>

Table 1: States with their first years in legal decisions : MacDougall and Augustine-Adams (*continued*)

state	case	year.A	year.M	ref.A	ref.M
Michigan	Mich. Comp. Laws Ann.	NA	1980	NA	\textsection 333.2824(1) (West 1980) (statute relating to naming children at birth)
Michigan	Wood v. Detroit Edison	NA	1980	NA	409 Mich. 279, 294 N.W.2d 571 (1980)
Michigan	Jones v. Sanilac County Road Comm'n	NA	1983	NA	128 Mich. App. 569, 342 N.W.2d 532 (1983)
Minnesota	Minn. Stat. Ann.	NA	1985	NA	\textsection 517.08 (West Supp. 1985)

(Continued on next page...)

Table 1: States with their first years in legal decisions : MacDougall and Augustine-Adams (*continued*)

state	case	year.A	year.M	ref.A	ref.M
Missouri	In re Natale	NA	1975	NA	527 S.W.2d 402 (Mo. Ct. App. 1975) [[Seiro added:](https://law.justia.com/cases/mo/court-of-appeals/1975/35880-0.html) On August 21, 1973, the court entered its order and judgment denying the Petition for Change of Name on the ground that 'Petitioner is lawfully married and resides with her legal spouse' and 'that under such circumstances the granting of said petition could be detrimental to others in the future.' The court's order did not specify who the 'others' were, but at the hearing, the court had commented, 'Where a married couple who do have and in the future are likely to have many obligations for which they are liable, I can see circumstances that would be detrimental . . .' It appears, therefore, that the trial court found that the fact of a woman's ongoing marriage is prima facie evidence of detriment to creditors sufficient to deny her petition for change of name. ... (snip) ... Our research had disclosed no appellate decision in any state which affirmed the trial court's denial of a married woman's name change petition on the ground of an ongoing marriage. Petition of Hauptly, 312 N.E.2d 857 (Ind.1974); Marshall v. State, 301 So. 2d 477 (Fla.App.1974); Application of Halligan, 46 A.D.2d 170, 361 N.Y.S.2d 458 (1974); Application of Lawrence, 133 N.J.Super. 408, 337 A.2d 49 (Super.Ct.App. Div.1975). ... (snip) ... The judgment is reversed and the trial court directed to issue its order changing petitioner's name as prayed.]

(Continued on next page...)

Table 1: States with their first years in legal decisions : MacDougall and Augustine-Adams (*continued*)

state	case	year.A	year.M	ref.A	ref.M
Missouri	Johnson v. Pacific Inter- moun- tain Expr. Co.	NA	1983	NA	662 S.W.2d 237 (Mo. 1983), cert denied 104 S. Ct. 2349 (1984)
Missouri	Miller v. Miller	NA	1984	NA	670 S.W.2d 591 (Mo. Ct. App. 1984)
Montana	Op. Att’y Gen.	NA	1974	NA	Mon. (May 1, 1974)
Montana	In re Natale	1975	NA	527 S.W.2d 402, 404-05 Mo. Ct. App.	NA
Nebraska	Neb. Rev. Stat.	NA	1984	NA	\textsection 71-640.01 (1984) (statute relating to naming children at birth)
Nebraska	Simmons v. O’Brien	1978	1978	272 N.W.2d 273	201 Neb. 778, 272 N.W.2d 273 (1978) [[Seiro added:](https://law.justia.com/cases/montana/court/1978/41739-1.html) District Court denying a decree of dissolution. We reverse and remand with directions. The sole and only issue is whether the District Court erred in refusing to grant a decree of dissolution on the ground that it lacked jurisdiction because of the form of name used in the petition for dissolution. ...(snip)... At common law a married woman could legally bear a different name from her husband. The King v. The Inhabitants of St. Faith’s Newton (1823), 3 Dowling & Ryland’s Reports 348, Kruzel v. Podell, 67 Wis.2d 138, 226 N.W.2d 458.]

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Table 1: States with their first years in legal decisions : MacDougall and Augustine-Adams (*continued*)

state	case	year.A	year.M	ref.A	ref.M
New Hampshire	Moskowitz v. Moskowitz	NA	1978	NA	118 N.H. 199, 385 A.2d 120 (1978) [[Seiro added:](https://casetext.com/case/moskowitz-v-moskowitz-12) The court affirms its prior decree wherein it found as a fact that it would not be in the best interest of the family unit to permit said change of name. The recommendation was approved by Perkins, J (of probate court, added by seiro). ...(snip)... We (NH Supreme Court, added by Seiro) do not suggest that every petition for a change of name be granted, but rather hold that some substantial reason must exist for denying such a petition. The mere fact that there are children is not sufficient ground. ...(snip)... Remanded.]
New Hampshire	N.H. Rev. Stat. Ann.	NA	1983	NA	\textsection 126.6-a (1983) (statute relating to naming children at birth) [[Seiro added:](https://law.justia.com/cases/fe/courts/FSupp/466/714/2360834/#:~:text=Until%201975%2C,-it%20was%20required) Until 1975, it was required that every married woman shall adopt her husband's name as a 'family name.' H.R.S. § 574-1 (1968). This was changed in 1975 to allow a wife to retain her maiden name, or a husband to take his wife's surname, or either party to choose a hyphenated combination of both surnames, in either order. L.1975, ch. 114, § 1.]
New Jersey	Op. Att'y Gen.	NA	1975	NA	N.J. No. 20-1975 (Aug. 26, 1975)

(Continued on next page...)

Table 1: States with their first years in legal decisions : MacDougall and Augustine-Adams (*continued*)

state	case	year.A	year.M	ref.A	ref.M
New Jersey	In re Lawrence	1975	1975	337 A.2d 49, 51 N.J. Super. Ct. App. Div.	133 N.J. Super. 408, 337 A.2d 49 (1975) [[Seiro added:]() Plaintiff appeals from the denial of her application for a change of name under N.J.S.A. 2A:52-1 from her married to her maiden name...(snip)... The trial judge, in an opinion published in 128 N.J. Super. 312 (Law Div. 1974), concluded: This court has great concern for the stability of the family and the marriage relationship. ...(snip)... an abuse of the trial judge's discretion. Reversed and remanded for entry of judgment in accordance herewith.]
New York	Matter of Halligan	NA	1974	NA	266 Md. 440, 295 A.2d 223 (Md. 1972) [[This case is added by Seiro:](https://casetext.com/case/matter-of-halligan-3/#:~:text=No%20reasonable%20objec) Supreme Court's requirement that petitioner show 'a compelling reason' for the change, improperly imposed a burden of persuasion upon her beyond that required by the statute...No reasonable objection appearing, appellant is entitled to her requested order declaring that she shall be known by her maiden name of Ryan, and no other.]
New York	N.Y. Civ. Rights Law	NA	1985	NA	\textsection\textsection 64, 65 (McKinney Supp. 1985)
New York	N.Y. Dom. Rel. Law	NA	1985	NA	\textsection\textsection 14-a(1), 15(1), 240-a (McKinney Supp. 1985)

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Table 1: States with their first years in legal decisions : MacDougall and Augustine-Adams (*continued*)

state	case	year.A	year.M	ref.A	ref.M
New York	In re Halligan	1974	1974	361 N.Y.S.2d 458 App. Div.	46 A.D.2d 170, 361 N.Y.S.2d 458 (App. Div. 1974) [[Seiro added:](https://casetext.com/case/mat-of-halligan-3) [Supreme Court's requirement](https://casetext.com/case-of-halligan) that petitioner show 'a compelling reason' for the change, improperly imposed a burden of persuasion upon her beyond that required by the statute. ...(snip)... The order should be reversed and the petition granted.]
North Carolina	O'Brien v. Tilson	NA	1981	NA	523 F. Supp. 494 (E.D.N.C. 1981) [[Seiro added:](https://casetext.com/case/obrien-v-tilson#:~:text=3-,North%20Carolina%20General%20Statute%20and%20the) North Carolina General Statute § 130-50(e) be, and the same is hereby adjudged and declared void and of no force or effect insofar as it precludes plaintiffs from recording the surnames of their choice on the birth certificates of their children called for under N.C.G.S. § 130-50(e).]
North Carolina	N.C. Gen.	NA	1983	NA	Stat. \textsection 130-A-101(c) (Supp. 1983) (statute relating to naming children at birth)
North Carolina	In re Mohlman	1975	1975	216 S.E.2d 147 N.C. Ct. App.	26 N.C. App. 220, 216 S.E.2d 147 (1975) [[Seiro added:](https://casetext.com/case/in-re-mohlman-1) Court of Appeals denied the petition of a married woman to use her maiden name. ...(snip)... To the extent that the court (of appeals), in denying relief and dismissing the petition, based its action upon its finding that the relief sought is unnecessary, it did so erroneously.]
North Dakota	Op. Att'y Gen.	NA	1974	NA	N.D. (March 20, 1974)

(Continued on next page...)

Table 1: States with their first years in legal decisions : MacDougall and Augustine-Adams (*continued*)

state	case	year.A	year.M	ref.A	ref.M
Ohio	Ball v. Brown	1977	1977	450 F. Supp. 4 N.D.	450 F. Supp. 4 (N.D. Ohio 1977) [[Seiro added:](https://casetext.com/case/ball-v-brown) n Ball v. Brown, 450 F. Supp. 4, 10 (N.D. Ohio 1977), an Ohio statute requiring automatic cancellation of a woman's registration form following a change in marital status was found to violate the federal voting rights statute, 42 U.S.C. § 1971.]
Oklahoma	Op. Att'y Gen.	NA	1975	NA	Okla. (Nov. 14, 1975) [[Seiro added:](https://casetext.com/case/sneed-v-sneed-3?__cf_chl_tk=GALYvgWoul0U8HLV1703388077-0-gaNycGzNFVA) [*Opinion No. 75-281 (1975)*, AG (Ops.Okla.Atty.Gen. Nov. 14, 1975)](https://casetext.com/case/opinion-no-25001?sort=relevance&resultsNav=false,A%20few%20courts,-have%20enunciated%20a) ... permit a married woman to retain her maiden surname, or to assume her husband's surname and retain all or as much of her maiden name as she chooses.]
Oklahoma	Sneed v. Sneed	NA	1978	NA	585 P.2d 1363 (Okla. 1978) [[Seiro added:](https://casetext.com/case/sneed-v-sneed-3?__cf_chl_tk=GALYvgWoul0U8HLV1703388077-0-gaNycGzNFVA) the trial court refused to restore Mrs. Sneed's maiden name because she had a minor child ...(snip)... At common law a married woman was not compelled to adopt her husband's surname. ... (snip)... Reversed and remanded with directions.]
Oregon	Ore. Rev. Stat.	NA	1983	NA	\textsection 106.220 (1983)
Pennsylvania	Op. Att'y Gen.	NA	1973	NA	Pa. No. 72 (Oct. 25, 1973)

(Continued on next page...)

Table 1: States with their first years in legal decisions : MacDougall and Augustine-Adams (*continued*)

state	case	year.A	year.M	ref.A	ref.M
Pennsylvania	Op. Att'y Gen.	NA	1973	NA	Pa. No. 62 (Aug. 20, 1973)
Pennsylvania	Op. Att'y Gen.	NA	1974	NA	Pa. No. 8 (Jan. 31, 1974)
Rhode Island	Traugott v. Petit	1979	1979	404 A.2d 77	122 R.I. 60, 404 A.2d 77 (1979) [[Seiro added:](https://casetext.com/case/traugott-v-petit) Woman appealed from a judgment of the Superior Court, Providence and Bristol County, Needham, J., which decreed, *inter alia*, that married women who wished to register a motor vehicle or apply for operator's license must use their Christian names followed by their husband's surnames. Appeal sustained; judgment reversed; case remanded.]
South Carolina	Op. Att'y Gen.	NA	1974	NA	S.C. (Dec. 12, 1974)
South Carolina	Op. Atty. Gen.	NA	1975	NA	S.C. (June 6, 1975)
South Dakota	Ogle v. Cir. Ct., Tenth (Now 6th) Jud. Cir	NA	1975	NA	227 N.W.2d 621 (S.D. 1975) [[Seiro added:](https://casetext.com/case/ogle-v-cir-ct-tenth-now-6th-jud-cir#p21:~:text=of%20name.%20Conse),we%20conclude,-that%20the%20trial) we conclude that the trial court abused its discretion in denying the petition without giving petitioner an opportunity to present further evidence.]
South Dakota	Op. Att'y Gen.	NA	1977	NA	S.D. No. 77-31 (April 15, 1977) (interpreting Ogle v. Circuit Court 89 S.D. 18, 227 N.W.2d 621 (1975))
Tennessee	Dunn v. Palermo	NA	1975	NA	522 S.W.2d 679 (Tenn. 1975)
Tennessee	Tenn. Code Ann.	NA	1983	NA	\textsection 68-3-305 (1983) (statute relating to naming children at birth)

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Table 1: States with their first years in legal decisions : MacDougall and Augustine-Adams (*continued*)

state	case	year.A	year.M	ref.A	ref.M
Texas	Op. Att'y Gen.	NA	1974	NA	Tex. No. H-432 (Oct. 25, 1974)
Texas	Op. Att'y Gen. H-432 (October 25, 1974) Re: Whether a woman is re- quired to assume her hus- band's sur- name as her own	NA	1974	NA	[[Seiro added, page 4:](https://www.texasattorneygeneral.gov/files/opinion/1974/jh0432.pdf) under this statute a woman retained her common law right to choose at marriage either to keep her name prior to marriage or to assume her husband's surname.]
Texas	Op. Att'y Gen.	NA	1980	NA	Tex. No. MW-225 (Aug. 21, 1980) (says that a married woman may vote under a hyphenated last name, of her "maiden name" and her husband's name)
Vermont	Op. Att'y Gen.	NA	1974	NA	Vt. No. 179 (Feb. 4, 1974)
Virginia	Op. Att'y Gen.	NA	1973	NA	Va. (June 6, 1973) (re voting)

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Table 1: States with their first years in legal decisions : MacDougall and Augustine-Adams (*continued*)

state	case	year.A	year.M	ref.A	ref.M
Virginia	In re Strikwerda	1975	1975	220 S.E.2d 245	216 Va. 470, 220 S.E.2d 245 (1975) [[Seiro added:](https://casetext.com/case/in-re-strikwerda-and-antell#:~:text=should%20be%20granted,Since,-husband%20supports%20wife%27s) Since husband supports wife's petition, there is little likelihood that name change would have disruptive effect on the family, and it was abuse of discretion to deny petition after finding that it was not filed for illegal, fraudulent or immoral purpose. ...(snip)... Reversed and remanded.]
Virginia	In re Miller	1978	1978	243 S.E.2d 464	218 Va. 939, 243 S.E.2d 464 (1978) [[Seiro added:](https://casetext.com/case/in-re-change-of-name-of-miller#:~:text=and%20Compton%2C%2CMarried,-woman%20entitled%20to) Married woman entitled to resume maiden name under common law as applied to petitions under Code Sec. 8-577.1 (now with changes Sec. 8.01-217).]
Washington	Doe v. Dunning	NA	1976	NA	87 Wash. 2d 50, 549 P.2d 1 (1976) [[Seiro added:](https://casetext.com/case/doe-v-dunning#:~:text=the%20court%20saw-,%22no,-legal%20impediment%20which) no legal impediment which would prevent married parents from giving the child the mother's surname.]
West Virginia	Op. Att'y Gen.	NA	1975	NA	W. Va. (April 30, 1975)
Wisconsin	Op. Att'y Gen.	NA	1977	NA	Wis. No. 7-77 (Jan. 31, 1977)
Wisconsin	Op. Att'y Gen.	NA	1982	NA	Wis. (Sept. 21, 1982)

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Table 1: States with their first years in legal decisions : MacDougall and Augustine-Adams (*continued*)

state	case	year.A	year.M	ref.A	ref.M
Wisconsin	Kruzel v. Podell	1975	1975	226 N.W.2d 458,459	67 Wis. 2d 138, 226 N.W.2d 458 (1975) [[Seiro added:](https://casetext.com/case/in-re-petition-of-kruzel) the issue presented was 'whether upon marriage a woman is required by law to assume the surname of her husband.' ...(snip)... Since we conclude in this case that Kathleen Rose Harney was never compelled to change her name, nor did she ever in fact adopt the surname Kruzel by usage, her petition, although ostensibly brought under sec. 296.36, Stats. 1971, amounted only to a request for judicial recognition that she had been correct in using her maiden surname in the past.]

tgray}{Wisconsin} & Kruzel v. Podell & 1975 & 1975 & 226 N.W.2d 458,459 & 67 Wis. 2d 138, 226 N.W.2d 458 (1975) [[Seiro added:](https://casetext.com/case/in-re-petition-of-kruzel) the issue presented was 'whether upon marriage a woman is required by law to assume the surname of her husband.' ...(snip)... Since we conclude in this case that Kathleen Rose Harney was never compelled to change her name, nor did she ever in fact adopt the surname Kruzel by usage, her petition, although ostensibly brought under sec. 296.36, Stats. 1971, amounted only to a request for judicial recognition that she had been correct in using her maiden surname in the past.]* \end{longtable}

A table by matched (Augustine and MacDougall) results.

Table 2: States with their first years in legal decisions : Matching in MacDougall and Augustine-Adams

state	year.M	case	ref.M
Alabama	1982	State v. Taylor	415 So. 2d 1043 (Ala. 1982) [[Seiro added:](https://casetext.com/case/state-v-taylor-832#:~:text=and%20general%20relief-,The%20trial%20judge,-held%20a%20hearing) a married woman's right to register to vote in her maiden name. ...(snip)... The Board of Registrars filed an answer ...(snip)... the legal name of a married woman is her husband's surname. ...(snip)... The trial judge held a hearing ...(snip)... The order directed the board to register Taylor and Theriot in their maiden surnames. ...(snip)... The judgment of the trial court is due to be affirmed.]

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Table 2: States with their first years in legal decisions : Matching
in MacDougall and Augustine-Adams (*continued*)

state	year.M	case	ref.M
Arizona	1980	Malone v. Sullivan	124 Ariz. 469, 605 P.2d 447 (1980) [[Seiro added:](https://casetext.com/case/malone-v-sullivan#:~:text=Respondent%27s%20refusal%20to%20grant%20petitioner%27s%20Did the commissioner abuse his discretion in refusing to consider petitioner's petition for dissolution of marriage because the petition was filed in petitioner's maiden or paternal surname rather than in her husband's surname? ... (snip)... Respondent's refusal to grant petitioner's petition solely because it was filed under her maiden surname was error.]
California	1976	Weathers v. Superior Court	54 Cal. App. 3d 286, 126 Cal. Rptr. 547 (1976) [Seiro added: Judge noted, in a petition for a divorce, a woman has the right to use her maiden name to file the case.] [[Seiro added:](https://casetext.com/case/weathers-v-superior-court#:~:text=Accordingly%2C%20when%20a%20woman%20marries%2C%20she Accordingly, when a woman marries, she may choose to be known by the surname of her husband or by her maiden surname. ... (snip) ... The trial court thus exceeded its jurisdiction in refusing to entertain wife's petition for dissolution of marriage solely because the petition was filed in wife's maiden name.]
Connecticut	1974	Custer v. Bonadies	30 Conn. Supp. 385, 318 A.2d 639 (Super. Ct. 1974) [[Seiro added:](https://casetext.com/case/custer-v-bonadies) Since the plaintiff married women established a clear legal right to register to vote under their maiden names, which they consistently use, and since no other adequate remedy exists, they are entitled to relief by mandamus.]
District of Columbia	1978	Brown v. Brown	382 A.2d 1038 (D.C. 1978), vacating 384 A.2d 632 (D.C. 1977) [[Seiro added:](https://casetext.com/case/brown-v-brown-423#:~:text=The%20case%20is%20remanded%20and%20the%20trial%20court%20In this appeal from a judgment of divorce, appellant claims that the trial court erred in denying her request that her maiden name be restored. We agree and remand to the trial court with directions that appellant's maiden name be restored.)
Florida	1974	Marshall v. State	301 So. 2d 477 (Fla. Dist. Ct. App. 1974) [[Seiro added:](https://casetext.com/case/marshall-v-state-133) Appellant, a married woman, filed a petition with the Leon County Circuit Court seeking to establish her maiden or birth name as her legal name even though she continued her marriage with her husband. There is nothing in Florida Statutes, § 62.031 which prohibits a married woman from establishing her birth name as her legal name even though her marriage relationship continues.]

(Continued on next page...)

Table 2: States with their first years in legal decisions : Matching
in MacDougall and Augustine-Adams (*continued*)

state	year.M	case	ref.M
Indiana	1974	In re Hauptly	262 Ind. 150, 312 N.E.2d 857 (1974) [[Seiro added:](https://casetext.com/case/in-re-hauptly) A woman has a common law right to do business in a name other than her married name. ... a person may change his name at will without any legal proceedings by merely adopting another name. The mere speculation by the State that the appellant's decision to change her name might cause embarrassment to her child was not sufficient to justify the trial court's denial of the appellant's petition for a name change.]
Maryland	1972	Stuart v. Board of Supervisors	266 Md. 440, 295 A.2d 223 (1972), noted in the right of a married woman to use her birth-given surname for voter registration, 32 Md. L. Rev. 409 (1973) [[Seiro added:](https://casetext.com/case/stuart-v-board-of-elections#:~:text=a%20woman%20may%20retain%20her%20birth%20name%20a) a woman may retain her birth name after marriage merely by consistently and nonfraudulently using it.]
Massachusetts	1977	Secretary of the Com- monwealth v. City Clerk of Lowell	373 Mass. 178, 366 N.E.2d 717 (1977) [[Seiro added:](https://law.justia.com/cases/massachusetts/supreme-court/1977/373-mass-178-2.html) In 1974 the Attorney General issued three opinions with respect to the recording and use of names. Rep. A.G., Pub. Doc. No. 12, at 105 (1974). Rep. A.G., Pub. Doc. No. 12, at 48 (1974). Rep. A.G., Pub. Doc. No. 12, at 72 (1974). Those opinions asserted and elaborated a common law principle that people may select or change their names freely if there is no fraudulent intent. The defendants, city and town clerks, refused to follow those opinions ...(snip)... We hold that the Attorney General is right and the city and town clerks are wrong, and order that the rights of the parties be declared accordingly. ...(snip)... A woman, regardless of her marital status, may change her name at will, without resorting to legal proceedings, provided it is done for an honest purpose. [187-189]]
Nebraska	1978	Simmons v. O'Brien	201 Neb. 778, 272 N.W.2d 273 (1978) [[Seiro added:](https://law.justia.com/cases/nebraska/supreme-court/1978/41739-1.html) District Court denying a decree of dissolution. We reverse and remand with directions. The sole and only issue is whether the District Court erred in refusing to grant a decree of dissolution on the ground that it lacked jurisdiction because of the form of name used in the petition for dissolution. ...(snip)... At common law a married woman could legally bear a different name from her husband. The King v. The Inhabitants of St. Faith's Newton (1823), 3 Dowling & Ryland's Reports 348, Kruzel v. Podell, 67 Wis.2d 138, 226 N.W.2d 458.]

(Continued on next page...)

Table 2: States with their first years in legal decisions : Matching in MacDougall and Augustine-Adams (*continued*)

state	year.M	case	ref.M
New Jersey	1975	In re Lawrence	133 N.J. Super. 408, 337 A.2d 49 (1975) [[Seiro added:]() Plaintiff appeals from the denial of her application for a change of name under N.J.S.A. 2A:52-1 from her married to her maiden name...(snip)... The trial judge, in an opinion published in 128 N.J. Super. 312 (Law Div. 1974), concluded: This court has great concern for the stability of the family and the marriage relationship. ...(snip)... an abuse of the trial judge's discretion. Reversed and remanded for entry of judgment in accordance herewith.]
New York	1974	In re Halligan	46 A.D.2d 170, 361 N.Y.S.2d 458 (App. Div. 1974) [[Seiro added:](https://casetext.com/case/matter-of-halligan-3) [Supreme Court's requirement](https://casetext.com/case/matter-of-halligan) that petitioner show 'a compelling reason' for the change, improperly imposed a burden of persuasion upon her beyond that required by the statute. ...(snip)... The order should be reversed and the petition granted.]
North Carolina	1975	In re Mohlman	26 N.C. App. 220, 216 S.E.2d 147 (1975) [[Seiro added:](https://casetext.com/case/in-re-mohlman-1) Court of Appeals denied the petition of a married woman to use her maiden name. ...(snip)... To the extent that the court (of appeals), in denying relief and dismissing the petition, based its action upon its finding that the relief sought is unnecessary, it did so erroneously.]
Ohio	1977	Ball v. Brown	450 F. Supp. 4 (N.D. Ohio 1977) [[Seiro added:](https://casetext.com/case/ball-v-brown) n Ball v. Brown, 450 F. Supp. 4, 10 (N.D. Ohio 1977), an Ohio statute requiring automatic cancellation of a woman's registration form following a change in marital status was found to violate the federal voting rights statute, 42 U.S.C. § 1971.]
Rhode Island	1979	Traugott v. Petit	122 R.I. 60, 404 A.2d 77 (1979) [[Seiro added:](https://casetext.com/case/traugott-v-petit) Woman appealed from a judgment of the Superior Court, Providence and Bristol County, Needham, J., which decreed, *inter alia*, that married women who wished to register a motor vehicle or apply for operator's license must use their Christian names followed by their husband's surnames. Appeal sustained; judgment reversed; case remanded.]
Virginia	1975	In re Strikwerda	216 Va. 470, 220 S.E.2d 245 (1975) [[Seiro added:](https://casetext.com/case/in-re-strikwerda-and-antell#:~:text=should%20be%20granted.-,Since,-husband%20supports%20wife%27s) Since husband supports wife's petition, there is little likelihood that name change would have disruptive effect on the family, and it was abuse of discretion to deny petition after finding that it was not filed for illegal, fraudulent or immoral purpose. ...(snip)... Reversed and remanded.]

(Continued on next page...)

Table 2: States with their first years in legal decisions : Matching in MacDougall and Augustine-Adams (*continued*)

state	year.M	case	ref.M
Virginia	1978	In re Miller	218 Va. 939, 243 S.E.2d 464 (1978) [[Seiro added:](https://casetext.com/case/in-re-change-of-name-of-miller#:~:text=and%20Compton%2C%20JJ.-,Married,-woman%20entitled%20to) Married woman entitled to resume maiden name under common law as applied to petitions under Code Sec. 8-577.1 (now with changes Sec. 8.01-217).]
Wisconsin	1975	Kruzel v. Podell	67 Wis. 2d 138, 226 N.W.2d 458 (1975) [[Seiro added:](https://casetext.com/case/in-re-petition-of-kruzel) the issue presented was 'whether upon marriage a woman is required by law to assume the surname of her husband.' ...(snip)... Since we conclude in this case that Kathleen Rose Harney was never compelled to change her name, nor did she ever in fact adopt the surname Kruzel by usage, her petition, although ostensibly brought under sec. 296.36, Stats. 1971, amounted only to a request for judicial recognition that she had been correct in using her maiden surname in the past.]

5 & Kruzel v. Podell & 67 Wis. 2d 138, 226 N.W.2d 458 (1975) [Seiro added: the issue presented was 'whether upon marriage a woman is required by law to assume the surname of her husband.' ...(snip)... Since we conclude in this case that Kathleen Rose Harney was never compelled to change her name, nor did she ever in fact adopt the surname Kruzel by usage, her petition, although ostensibly brought under sec. 296.36, Stats. 1971, amounted only to a request for judicial recognition that she had been correct in using her maiden surname in the past.]* \end{longtable}

Table 3: States with their first years in legal decisions: Only in MacDougall

state	year.M	case	ref.M
Alaska	1976	Op. Att'y. Gen.	Alaska (May 5, 1976)
Arizona	1975	Laks v. Laks	25 Ariz. App. 58, 540 P.2d 1277 (1975) [Seiro added: Divorced mother's right to rename children as MotherMaidenName-FatherSurName was rejected by the court.] [[Seiro added:](https://casetext.com/case/laks-v-laks#:~:text=of%20the%20children%3F%22-,Appellant,-%2C%20in%20a%20memorandum) Appellant ... had, without appellee's consent, changed the surname of the three minor children ... to that of 'Eliot-Laks', Eliot being her maiden name. ...(snip)... the trial court found it was not in the best interest of the children to effectuate the name change. Primrock v. Wilson, 55 Ariz. 192, 100 P.2d 180 (1940). Affirmed.]

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Table 3: States with their first years in legal decisions: Only in MacDougall (*continued*)

state	year.M	case	ref.M
Arkansas	1974	Op. Att'y Gen.	Ark. No. 74-123 (Oct. 8, 1974) [Seiro added: Under Arkansas law a married woman may retain her maiden name, and if Pamela Walker did not change her name when she married she was entitled to be registered under her maiden name. \url{https://law.justia.com/cases/federal/district-courts/FSupp/391/1395/1494569/}] [[Seiro added:](https://law.justia.com/cases/federal/district-courts/FSupp/391/1395/1494569/#::~text=Under%20Arkansas%20law%20a%20
Arkansas	1974	Op. Att'y Gen.	Ark. No. 74-75 (April 19, 1974) [[Seiro added:](https://law.justia.com/cases/federal/district-courts/FSupp/391/1395/1494569/#::~text=an%20opinion%20from%20the%20At an opinion from the Attorney General of Arkansas, rendered in April, 1974, to the effect that 'there is no Arkansas law which automatically changes a woman's name to that of her husband upon marriage.')
Arkansas	1975	Walker v. Jackson	391 F. Supp. 1395 (E.D. Ark. 1975) [[Seiro added:](https://law.justia.com/cases/federal/district-courts/FSupp/391/1395/1494569/) Amendment 51 to the Constitution of the State of Arkansas, which amendment sets up a system of permanent registration for Arkansas voters ...(snip)... in the case of a woman her name as it appears on the affidavit must be prefixed by the word 'Miss' or 'Mrs.' so as to reflect her current or past marital status. There is no comparable requirement for male registrants. Plaintiffs claim that the section, as written and applied, is violative of the Ninth, Fourteenth and Nineteenth Amendments to the Constitution of the United States. ...(snip)... We hold, therefore, that the prefix requirement violates the Equal Protection Clause of the Fourteenth Amendment; ...(snip)... 'The Court finds that plaintiffs are entitled under Arkansas law to use whatever name they care to use as long as the use is not for fraudulent purposes.' As has been seen, that is also the view of the Attorney General of Arkansas, and it is also the view of this full Court.]
California	1974	Op. Atty Gen.	Cal. (March 12, 1974) [Seiro added: Judge noted, in a petition for a divorce, a woman has the right to use her maiden name to file the case.]
Connecticut	1975	Op. Att'y Gen.	Conn. (Jan. 23, 1975)
Delaware	1974	Op. Att'y Gen.	Del. (Aug. 7, 1974)
District of Columbia	1975	Op. Corp. Counsel D.C.	1975
Florida	1976	1976 Op. Att'y Gen.	Fla. 076-66 (March 24, 1976)

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Table 3: States with their first years in legal decisions: Only in MacDougall (*continued*)

state	year.M	case	ref.M
Florida	1976	Davis v. Roos	326 So. 2d 226 (Fla. Dist. Ct. App. 1976) [[Seiro added:](https://casetext.com/case/davis-v-roos#:~:text=The%20decision%20in%20Forbush) The decision in Forbush was squarely bottomed upon the court's observation that: [Alabama has adopted the common law rule that upon marriage the wife by *operation of law* takes the husband's surname.](https://casetext.com/case/forbush-v-wallace#:~:text=noting%20that%20Alabama%20has%20adopted%20the%20com) (Emphasis supplied.) It cites some early cases: [Roberts v. Grayson](https://casetext.com/case/roberts-v-grayson), [233 Ala. 658, 660](https://casetext.com/case/roberts-v-grayson#p660:~:text=a%20married%20woman%27s%20name%20consists%2C%20) [173 So. 38](https://casetext.com/case/roberts-v-grayson#:~:text=A%20married%20woman%20takes%20her%20husband%27s%20) (1937); [Bentley v. State, 37 Ala. App](https://casetext.com/case/bentley-v-state-63/). 463, 465, 70 So.2d 430 (1954). Such may well be the common law as construed by the Alabama courts, however, after reviewing the extensive authorities on the subject, we conclude that the common law of England on July 4, 1776, did not by operation of law engraft the husband's surname upon the wife. In Florida there is not statute or judicial decision requiring a woman to take her husband's surname upon marriage. Although it is the general custom for a woman to change her name upon marriage to that of the husband, the law does not compel her to do so.]
Florida	1983	In re Hooper	436 So. 2d 401 (Fla. Dist. Ct. App. 1983) [[Seiro added:](https://casetext.com/case/in-re-hooper-2#p403:~:text=The%20right%20of%20a%20woman) The right of a woman to her birth-given name, notwithstanding marriage, is established under Florida law. See Marshall v. State, [301 So.2d 477](https://casetext.com/case/marshall-v-state-133) (Fla. 1st DCA 1974); Davis v. Roos, [326 So.2d 226](https://casetext.com/case/davis-v-roos) (Fla. 3d DCA 1976). See also Egner v. Egner, [133 N.J. Super. 403](https://casetext.com/case/egner-v-egner-3), [337 A.2d 46](https://casetext.com/case/egner-v-egner-3) (N.J. 1975).]
Florida	1984	Pilch v. Pilch	447 So. 2d 989 (Fla. Dist. Ct. App. 1984)
Georgia	1975	Op. Att'y Gen.	Ga. No. 75-49 (June 3, 1975) [[Seiro added:](https://commonlaw.name/GA-AG-Opinion-75-49.pdf) it is my official opinion that a married woman's surname is that of her husband but that she may change her name for all legal purposes, including issuance of a driver's license, by judicial decree or by consistent usage of another name without resort to judicial proceedings.]
Georgia	1985	Ga. Code Ann.	\textsection 19-3-33.1 (Supp. 1985)

(Continued on next page...)

Table 3: States with their first years in legal decisions: Only in MacDougall (*continued*)

state	year.M	case	ref.M
Hawaii	1976	Hawaii Rev. Stat.	\textsection 574-1 (1976) [[Seiro added:](https://law.justia.com/cases/federal/district-courts/FSupp/466/714/2360834/#:~:text=adopted%20in%201860,-,Until%201975%2C,-it%20was%20required) Until 1975, it was required that every married woman shall adopt her husband's name as a 'family name.' H.R.S. § 574-1 (1968). This was changed in 1975 to allow a wife to retain her maiden name, or a husband to take his wife's surname, or either party to choose a hyphenated combination of both surnames, in either order. L.1975, ch. 114, § 1.]
Hawaii	1979	Jech v. Burch	466 F. Supp. 714 (D. Hawaii 1979)
Illinois	1974	Op. Att'y Gen.	Ill. No. S-711 (Feb. 25, 1974) [[Seiro added:](https://ag.state.il.us/opinions/1974/S-711.pdf) if a woman upon marriage does not assume her husband's surname but retains her maiden name, she is not required to notify the Secretary of State.]
Illinois	1974	Op. Att'y Gen.	Ill. S-695 (Feb. 13, 1974), both opinions indicating that Illinois does not follow Rago v. Lipsky, 327 Ill. App. 63, 63 N.E.2d 642 (1945) (country's sole case holding that a married woman takes her husband's surname as her "legal" name at common law) [[Seiro added:](https://ag.state.il.us/opinions/1974/S-695.pdf) It should be noted that in Illinois there is no statute which requires a woman to adopt assume, or change her own name to her husband's surname upon marriage.]
Iowa	1980	Op. Att'y Gen.	Iowa (March 25, 1980) [[Seiro added:](https://www.legis.iowa.gov/docs/publications/AGO/1043259.pdf) This is about hyphenated names which the Assistant Attorney General concurs to.]
Iowa	1981	Iowa Code Ann.	\textsection 595.5 (West 1981)
Kansas	1973	Op. Att'y Gen.	Kan. No. 73-47 (Feb. 1, 1973) following Gallop v. Shanahan No. 120, 456 (Dist. Ct. Shawnee County, Nov. 2, 1972), noted in Note, Constitutional Law-Equal Protection and Right of Suffrage Prohibits State From Cancelling Voter Registration of Newly Married Woman-Women Upon Marriage Do Not Necessarily Abandon Maiden Name, 21 U. Kan. L. Rev. 588 (1972-73)
Kentucky	1974	Op. Att'y Gen.	Ky. No. 74-902 (Dec. 26, 1974)
Kentucky	1974	Op. Att'y Gen.	Ky. No. 74-349 (May 14, 1974)
Kentucky	1977	Op. Att'y Gen.	Ky. No. 77-334 (May 23, 1977)
Kentucky	1977	Op. Att'y Gen.	Ky. No. 77-239 (April 13, 1977)

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Table 3: States with their first years in legal decisions: Only in MacDougall (*continued*)

state	year.M	case	ref.M
Kentucky	1981	Memorandum Ky. Dept. Transportation	(Oct. 30, 1981) (Kentucky Department of Transportation relinquishes position that a married woman must obtain driver's license in her husband's surname unless she has a court-ordered name "change")
Louisiana	1975	Boothe v. Papale	No. 74-939 (E.D. La. Feb. 12, 1975) (Order granting plaintiffs Motion for Summary Judgment) [Seiro added: Affirms that, in Louisiana, it is customary for women to use the maiden name after marriage. \citep[fn 54]{Gorence1976}]
Louisiana	1977	Pugh v. Theall	342 So. 2d 274 (La. Ct. App. 1977), cert. denied 344 So. 2d 1055 (La. 1977) [Seiro added: Affirms that, in Louisiana, it is customary for women to use the maiden name after marriage. \url{https://www.casemine.com/judgement/us/591494baadd7b049345c1e1e}]
Louisiana	1984	La. Rev. Stat. Ann.	\textsection 40:34.A.(1)(a)(iii) (West 1984) (statute relating to naming children at birth)
Maine	1974	Op. Atty. Gen.	Me. (April 12, 1974)
Maine	1975	In re Reben	342 A.2d 688 (Me. 1975) [[Seiro added:](https://law.justia.com/cases/maine/supreme-court/1975/342-a-2d-688-0.html) the appellant first alleges that she has a right under the common law to choose any name she wishes, unless motivated by a fraudulent purpose, and that as the Judge of Probate found no fraudulent purpose, his denial of her petition was an abuse of discretion. ... (snip) ... We sustain her appeal. ... (snip) ... This opinion, also, will leave many questions unanswered, foremost, probably, the question whether a woman takes the surname of her husband at marriage by operation of law. Traditionally this has been the almost unanimous practice in this state, yet no statute has required it and no decision of this Court has ever affirmed it as being mandated by the common law.]
Maine	1978	Op. Att'y Gen.	Me. (April 4, 1978)
Maryland	1972	Op. Att'y Gen.	Md. (Nov. 30, 1972)
Maryland	1974	Op. Att'y Gen.	Md. (May 7, 1974)
Maryland	1974	Op. Atty. Gen.	Md.(March 30, 1974)

(Continued on next page...)

Table 3: States with their first years in legal decisions: Only in MacDougall (*continued*)

state	year.M	case	ref.M
Maryland	1977	Klein v. Klein	36 Md. App. 177, 373 A.2d 86 (Ct. Spec. App. 1977) [[Seiro added:](https://casetext.com/case/klein-v-klein-114#:~:text=Q.%20144%20(1958).-,That%20Maryland,-follows%20the%20common) That Maryland follows the common law with respect to a name change is no longer open to question. Hardy v. Hardy, 269 Md. 412, 306 A.2d 244 (1973); Stuart v. Board of Supervisors, 266 Md. 440, 295 A.2d 223 (1972); Romans v. State, 178 Md. 588, 16 A.2d 642 (1940); Hall v. Hall, supra. ...(snip)... We hold that it is an abuse of discretion to deny a woman who requests it at the time of divorce the restoration of her prenuptial name, absent illegal, fraudulent, or immoral purposes.]
Maryland	1981	Goldin v. Goldin	48 Md. App. 154, 426 A.2d 410 (Ct. Spec. App. 1981)
Maryland	1983	Op. Att’y Gen.	Md. (Jan. 20, 1983)
Massachusetts	1983	Mass. Ann.	Laws ch. 46 \textsection 1D (Law. Co-op. Supp. 1983)
Michigan	1974	Op. Att’y Gen.	Mich. No. 4834 (Oct. 2, 1974)
Michigan	1976	Piotrowski v. Piotrowski	71 Mich. App. 213, 247 N.W.2d 354 (1976) [[Seiro added:](https://casetext.com/case/piotrowski-v-piotrowski#:~:text=There%20is%20no%20requirement) There is no requirement that any person go through the courts to establish a legal change of name. ...(snip)... The circumstance that there is a minor child is not enough to support denial of the request. ...(znip)... Reversed and remanded for a decree to restore to plaintiff her maiden name.]
Michigan	1980	Mich. Comp. Laws Ann.	\textsection 333.2824(1) (West 1980) (statute relating to naming children at birth)
Michigan	1980	Wood v. Detroit Edison	409 Mich. 279, 294 N.W.2d 571 (1980)
Michigan	1983	Jones v. Sanilac County Road Comm’n	128 Mich. App. 569, 342 N.W.2d 532 (1983)
Minnesota	1985	Minn. Stat. Ann.	\textsection 517.08 (West Supp. 1985)

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Table 3: States with their first years in legal decisions: Only in MacDougall (*continued*)

state	year.M	case	ref.M
Missouri	1975	In re Natale	527 S.W.2d 402 (Mo. Ct. App. 1975) [[Seiro added:](https://law.justia.com/cases/missouri/court-of-appeals/1975/35880-0.html) On August 21, 1973, the court entered its order and judgment denying the Petition for Change of Name on the ground that 'Petitioner is lawfully married and resides with her legal spouse' and 'that under such circumstances the granting of said petition could be detrimental to others in the future.' The court's order did not specify who the 'others' were, but at the hearing, the court had commented, 'Where a married couple who do have and in the future are likely to have many obligations for which they are liable, I can see circumstances that would be detrimental . . .' It appears, therefore, that the trial court found that the fact of a woman's ongoing marriage is prima facie evidence of detriment to creditors sufficient to deny her petition for change of name. ...(snip)... Our research had disclosed no appellate decision in any state which affirmed the trial court's denial of a married woman's name change petition on the ground of an ongoing marriage. Petition of Hauptly, 312 N.E.2d 857 (Ind.1974); Marshall v. State, 301 So. 2d 477 (Fla.App.1974); Application of Halligan, 46 A.D.2d 170, 361 N.Y.S.2d 458 (1974); Application of Lawrence, 133 N.J.Super. 408, 337 A.2d 49 (Super.Ct.App. Div.1975). ...(snip)... The judgment is reversed and the trial court directed to issue its order changing petitioner's name as prayed.]
Missouri	1983	Johnson v. Pacific Inter-mountain Expr. Co.	662 S.W.2d 237 (Mo. 1983), cert denied 104 S. Ct. 2349 (1984)
Missouri	1984	Miller v. Miller	670 S.W.2d 591 (Mo. Ct. App. 1984)
Montana	1974	Op. Att'y Gen.	Mon. (May 1, 1974)
Nebraska	1984	Neb. Rev. Stat.	\textsection 71-640.01 (1984) (statute relating to naming children at birth)
New Hampshire	1978	Moskowitz v. Moskowitz	118 N.H. 199, 385 A.2d 120 (1978) [[Seiro added:](https://casetext.com/case/moskowitz-v-moskowitz-12) The court affirms its prior decree wherein it found as a fact that it would not be in the best interest of the family unit to permit said change of name. The recommendation was approved by Perkins, J (of probate court, added by seiro). ...(snip)... We (NH Supreme Court, added by Seiro) do not suggest that every petition for a change of name be granted, but rather hold that some substantial reason must exist for denying such a petition. The mere fact that there are children is not sufficient ground. ...(snip)... Remanded.]

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Table 3: States with their first years in legal decisions: Only in MacDougall (*continued*)

state	year.M	case	ref.M
New Hampshire	1983	N.H. Rev. Stat. Ann.	\textsection 126.6-a (1983) (statute relating to naming children at birth) [[Seiro added:](https://law.justia.com/cases/federal/district-courts/FSupp/466/714/2360834/#:~:text=adopted%20in%201860,-,Until%201975%2C,-it%20was%20required) Until 1975, it was required that every married woman shall adopt her husband's name as a 'family name.' H.R.S. § 574-1 (1968). This was changed in 1975 to allow a wife to retain her maiden name, or a husband to take his wife's surname, or either party to choose a hyphenated combination of both surnames, in either order. L.1975, ch. 114, § 1.]
New Jersey	1975	Op. Att'y Gen.	N.J. No. 20-1975 (Aug. 26, 1975)
New York	1974	Matter of Halligan	266 Md. 440, 295 A.2d 223 (Md. 1972) [[This case is added by Seiro:](https://casetext.com/case/matter-of-halligan-3/#:~:text=No%20reasonable%20objection%20appearing%2C%20appellant%20is) Supreme Court's requirement that petitioner show 'a compelling reason' for the change, improperly imposed a burden of persuasion upon her beyond that required by the statute...No reasonable objection appearing, appellant is entitled to her requested order declaring that she shall be known by her maiden name of Ryan, and no other.]
New York	1985	N.Y. Civ. Rights Law	\textsection\textsection 64, 65 (McKinney Supp. 1985)
New York	1985	N.Y. Dom. Rel. Law	\textsection\textsection 14-a(1), 15(1), 240-a (McKinney Supp. 1985)
North Carolina	1981	O'Brien v. Tilson	523 F. Supp. 494 (E.D.N.C. 1981) [[Seiro added:](https://casetext.com/case/obrien-v-tilson#:~:text=3.-,North%20Carolina%20General%20Statute%20%C2%A7%20130%2D50(e),-be%2C%20and%20the) North Carolina General Statute § 130-50(e) be, and the same is hereby adjudged and declared void and of no force or effect insofar as it precludes plaintiffs from recording the surnames of their choice on the birth certificates of their children called for under N.C.G.S. § 130-50(e).]
North Carolina	1983	N.C. Gen.	Stat. \textsection 130-A-101(c) (Supp. 1983) (statute relating to naming children at birth)
North Dakota	1974	Op. Att'y Gen.	N.D. (March 20, 1974)

(Continued on next page...)

Table 3: States with their first years in legal decisions: Only in MacDougall (*continued*)

state	year.M	case	ref.M
Oklahoma	1975	Op. Att’y Gen.	Okla. (Nov. 14, 1975) [[Seiro added:](https://casetext.com/case/sneed-v-sneed-3?__cf_chl__tk=GALYvgWoul0U8HLvqPk5QbPn60Y1sB6pkdTFKkYbyAg-1703388077-0-gaNycGzNFVA) [*Opinion No. 75-281 (1975)*, AG (Ops.Okla.Att’y.Gen. Nov. 14, 1975)](https://casetext.com/case/opinion-no-25001?sort=relevance&resultsNav=false&q=#:~:text=(Okla.%201971).-A%20few%20courts,-have%20enunciated%20a) ... permit a married woman to retain her maiden surname, or to assume her husband’s surname and retain all or as much of her maiden name as she chooses.]
Oklahoma	1978	Sneed v. Sneed	585 P.2d 1363 (Okla. 1978) [[Seiro added:](https://casetext.com/case/sneed-v-sneed-3?__cf_chl__tk=GALYvgWoul0U8HLvqPk5QbPn60Y1sB6pkdTFKkYbyAg-1703388077-0-gaNycGzNFVA) the trial court refused to restore Mrs. Sneed’s maiden name because she had a minor child ... (snip)... At common law a married woman was not compelled to adopt her husband’s surname. ... (snip)... Reversed and remanded with directions.]
Oregon	1983	Ore. Rev. Stat.	\textsection 106.220 (1983)
Pennsylvania	1973	Op. Att’y Gen.	Pa. No. 72 (Oct. 25, 1973)
Pennsylvania	1973	Op. Att’y Gen.	Pa. No. 62 (Aug. 20, 1973)
Pennsylvania	1974	Op. Att’y Gen.	Pa. No. 8 (Jan. 31, 1974)
South Carolina	1974	Op. Att’y Gen.	S.C. (Dec. 12, 1974)
South Carolina	1975	Op. Atty. Gen.	S.C. (June 6, 1975)
South Dakota	1975	Ogle v. Cir. Ct., Tenth (Now 6th) Jud. Cir	227 N.W.2d 621 (S.D. 1975) [[Seiro added:](https://casetext.com/case/ogle-v-cir-ct-tenth-now-6th-jud-cir#p21:~:text=of%20name.%20Consequently%2C-,we%20conclude,-that%20the%20trial) we conclude that the trial court abused its discretion in denying the petition without giving petitioner an opportunity to present further evidence.]
South Dakota	1977	Op. Att’y Gen.	S.D. No. 77-31 (April 15, 1977) (interpreting Ogle v. Circuit Court 89 S.D. 18, 227 N.W.2d 621 (1975))
Tennessee	1975	Dunn v. Palermo	522 S.W.2d 679 (Tenn. 1975)
Tennessee	1983	Tenn. Code Ann.	\textsection 68-3-305 (1983) (statute relating to naming children at birth)
Texas	1974	Op. Att’y Gen.	Tex. No. H-432 (Oct. 25, 1974)

(Continued on next page...)

Table 3: States with their first years in legal decisions: Only in MacDougall (*continued*)

state	year.M	case	ref.M
Texas	1974	Op. Att’y Gen. H-432 (October 25, 1974) Re: Whether a woman is required to assume her husband’s surname as her own	[[Seiro added, page 4:](https://www.texasattorneygeneral.gov/sites/default/files/opinion-files/opinion/1974/jh0432.pdf) under this statute a woman retained her common law right to choose at marriage either to keep her name prior to marriage or to assume her husband’s surname.]
Texas	1980	Op. Att’y Gen.	Tex. No. MW-225 (Aug. 21, 1980) (says that a married woman may vote under a hyphenated last name, of her “maiden name” and her husband’s name)
Vermont	1974	Op. Att’y Gen.	Vt. No. 179 (Feb. 4, 1974)
Virginia	1973	Op. Att’y Gen.	Va. (June 6, 1973) (re voting)
Washington	1976	Doe v. Dunning	87 Wash. 2d 50, 549 P.2d 1 (1976) [[Seiro added:](https://casetext.com/case/doe-v-dunning#:~:text=the%20court%20saw-,%22no,-legal%20impediment%20which) no legal impediment which would prevent married parents from giving the child the mother’s surname.]
West Virginia	1975	Op. Att’y Gen.	W. Va. (April 30, 1975)
Wisconsin	1977	Op. Att’y Gen.	Wis. No. 7-77 (Jan. 31, 1977)
Wisconsin	1982	Op. Att’y Gen.	Wis. (Sept. 21, 1982)

tgray}{Wisconsin} & 1982 & Op. Att’y Gen. & Wis. (Sept. 21, 1982)* \end{longtable}

Table 4: States with their first years in legal decisions: Only in Augustine-Adams

state	year.A	case	ref.A
Florida	1976	FLA. ATr’y GEN. ANN. REP.	\textsection 076-66 at 120
Maine	1978	ME. Op. ATr’y GEN.	WL 33940 Me.A.G.
Massachusetts	1974	MAss. Op. ATr’y GEN.	Number 5 at 48
Montana	1975	In re Natale	527 S.W.2d 402, 404-05 Mo. Ct. App.

& In re Natale & 527 S.W.2d 402, 404-05 Mo. Ct. App.* \end{longtable}

Examples of initial decisions by State

In Arkansas case, the opinion of district attorney indicated that

*It appears from the materials before us that the controversy arose in the late summer or early fall of 1974 ... and immediately *1399 involved the plaintiffs, Walker and Scholle, who are both lawyers.*

She (Scholle) married in April, 1974 and retained her maiden name; since she had not changed her name she did not undertake to have her registration changed to reflect her marriage.

Positive

In Californian case of *Weathers v Superior Court*, State Court of Appeals Judge notes the opinion:

It raises the issue of the right of a wife who during marriage used her maiden name to petition for a dissolution of marriage in that name rather than the surname of her husband. We conclude that the wife has the right so to file her petition.

Negative?

It also states such right is not implemented universally. Pleading for a divorce in 1975, the acting judge said:

On July 21, the petition was heard by Commissioner Russell R. Hermann sitting as a temporary judge of the court. Wife appeared in propria persona while Francisco Grippa made no appearance. Commissioner Hermann called the case as "Weathers versus Grippa." He asked wife if she had married Francisco Grippa. When wife answered that she had, the commissioner replied "All of your pleadings say 'Weathers versus Grippa.'" Informed by wife that she had at no time assumed Grippa's name, the commissioner replied, "That doesn't matter whether you have assumed it or not." Amplifying when wife responded that she had never used the Grippa name, the commissioner said, "The marriage certificate makes you Mrs. Grippa." When wife protested, "No, it doesn't," Commissioner Hermann responded, "They must have an awful novel wedding certificate in Oklahoma if it doesn't." Informed by wife that the marriage certificate simply read "Janet Lynn Weathers and Francisco Grippa," the commissioner replied, "I have never divorced people with two different names; never have."

Negative?

In Florida's *Marshal v State* case, one judge, although concurring the decision, worries the destruction of family and leaves an opinion piece:

I think it important that we here note that we are not called upon to decide whether it is requisite that upon marriage a wife assume the surname of her husband. That issue is not before us.

Negative

In Indiana, *In re Hauptly* case, the judge's opinion reveals that the State Attorney General attacked the plaintiff who filed to use her maidenname as:

"Perhaps she is claiming the woman's privilege that in an argument she does not have to use reason." (Page 6)

"It can be reasonably inferred that she believes that fact that she is the breadwinner of the family should be publicized so that all will know her husband has been emasculated and that she is the head of the family." (Page 7)

". . . indicating that perhaps Mrs. Hauply's need was not for a change of name but for a competent psychiatrist." (Pages 9 and 10)

“Namely, a sick and confused woman, unhappy and unsatisfied with her marriage, unable to determine what she wants to do with her life.” (Page 10)

“. . . because she was a kind of odd ball . . .” (Page 10)

“[In filing a claim for hospitalization] the computer would probably fail to function and the company refuse to pay on the grounds that it was not liable for hospitalization of a mistress under the terms of a family policy.” (Page 11)

Positive

In Illinois case, Attorney General’s opinion on early case states:

I do not believe that this appellate decision should control. The other Illinois decisions and cases elsewhere establish that a woman may in fact retain her own name upon marriage with or without court proceedings. (Ill. Op. Att’y Gen., February 13, 1974).

Tabulation of earliest year entries

Here, I will tabulate the earliest year entries by State in MacDougall and Augustine tables:

This will form a basis of event study estimation.

Table 5: States with their first years in legal decisions

yr	State
1972	Maryland
1973	Kansas, Pennsylvania, Virginia
1974	Arkansas, California, Connecticut, Delaware, Florida, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, Montana, New York, North Dakota, South Carolina, Texas, Vermont
1975	Arizona, District of Columbia, Georgia, Louisiana, Missouri, New Jersey, North Carolina, Oklahoma, South Dakota, Tennessee, West Virginia, Wisconsin
1976	Alaska, Hawaii, Washington
1977	Ohio
1978	Nebraska, New Hampshire
1979	Rhode Island
1980	Iowa
1982	Alabama
1983	Oregon
1985	Minnesota

A summary of affirmative arguments

In this subsection, we show the logic of affirmative arguments on the woman’s name rights.

Kohout (1973) discusses the conditions up to 1973. She notes name rights of women are not universally guaranteed. Some states, like New York, may allow name changes of a married woman after filing for it, but the court has a certain degree of discretion to deny the petition. The paper also hilights the *Forbush* case in which Alabama court suggested that the procedure should be simple and inexpensive.

The *Forbush* court (1971, Alabama) considers the equal protection under US Constitution (14th Ammendment) is not violated by denying a woman to use her maiden name while allowing a man to do so. The reason is the injury caused on a woman is minimal and allowed to persist when one considers merits of denial. The court acknowledges that the plaintiff seeks to protect her civil rights but does not examine civil rights

violation. Six years later, a federal case in *Allen v Lovejoy* 553 F2d 522 (6th Circuit Court 1977) decided that Title VII of Civil Rights Act of 1964 was violated when an employer suspended a female worker for her refusal to sign a form with post-marriage surname.

A common law interpretation of the matter, claimed by feminists (Leissner 1997, 261), is the following:

- Each person has the right to use and to be known by the surname of his or her choice.
- Then, a woman to use husband's name just by using it, and similarly, to use her maiden name just by using it.

Despite the clarity of this argument, by misstating precedent and overemphasizing the frequency with which the change occurs, many courts and officials transformed womans's option of adopting her husband's surname into a legal requirement.

— Omi, 1997, p. 261

Leissner (1997, p.262) lists that the *Forbush* court (Sep 28, 1971, Alabama) listed five state interests^{*10} that justify the restriction on women's name rights:

1. Custom and uniformity^{*11}
2. Administrative efficiency^{*12}
3. (Prevention of) Fraud^{*13}
4. *De minimis* injury — Existence of statutory remedies^{*14}
5. Preservation of the family^{*15}

In *State v Taylor*, the court acknowledged that the *Forbush*'s decision is inaccurately representing the common law on names.

Daum (1974, 72–73) argues that while there is a move toward ensuring women's name rights, because there was no statute to deny or allow the women's name rights, the application of the right was inconsistent between the states.

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^{*10}This reference is incorrect. The *Forbush* Court lists three: 1., 2., and 4. See the links in the quoted list of main text. 3. is linked to *People ex rel. Rago v. Lipsky* (Nov 6, 1945, Appellate Court of Illinois). The fifth justification is a summary by the author on the tendency of other State courts. The primary reference is an excerpt from *Petitioner's Brief* of 1972 Wisconsin case *In the matter of the establishment of the name of Pricilla Ruth Macdougall* (Dane County Circuit Court, Madison, Wis, 135463, 1972), although its original text is not available easily and scholars are re-citing the citation in Lamber (1973, p.805). The original text is not an academic document and may not have referred to particular Court decisions.

^{*11}Longevity cannot be a rationale.

^{*12}No administrative efficiency is gained by married women to change her surname upon marriage.

^{*13}Common law name changes do not increase frauds.

^{*14}It is not a minimal cost to change a surname.

^{*15}Not well understood empirically.

- Leissner, Omi Morgenstern. 1997. "The Name of the Maiden." *Wisconsin Women's Law Journal* 12: 253.
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