

RELATING TO POWER OF STATE REGISTOR TO MAKE ALL  
RULES AND REGULATIONS TO THE END THAT, PERSON BORN  
PRIOR TO 1909, EITHER IN THIS STATE OR OUT OF THE  
STATE AND NOW RESIDENTS TO REGISTER BIRTH.

May 9th, 1934 5-14



Dr. L. T. McGaugh  
State Health Commission  
Jefferson City, Missouri

Dear Doctor:

We acknowledge receipt of your letter of  
date May 1st, 1934, in which you state and inquire  
as follows:

"I am hereby requesting your opinion  
concerning the interpretation of the  
amendment 905a to Article 2, Chapter  
52, Revised Statutes of Missouri, 1929,  
entitled "Registration of Births and  
Deaths."

The reading of Section 905a with which  
we are particularly concerned is as  
follows:

Whenever, prior to the taking effect of  
this article, a person was born in the  
state of Missouri, or a resident of  
Missouri born outside this state, such  
birth may be registered in the manner  
and according to, nearly as possible,  
the provisions of section 9053 of this  
article, etc.

The question has arisen as to how it  
would be possible to register the birth  
of a person occurring outside of the  
State of Missouri. It has been our  
opinion that we cannot register such a  
birth but that it must be forwarded on  
to the state in which the said birth  
occurred for registration there.

This question was brought up by Mr. C. D.  
Bray, an attorney at law, at Campbell,  
Missouri.

For your convenience copies of part of  
the correspondence are enclosed herewith."

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I.

State registrar has power and authority to make all rules and regulations necessary and appropriate to register persons born in the state, or residents born out of the prior to 1909, upon application properly made, but registrar must be satisfied of no fraud.

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Section 9054a Laws Missouri 1931, page 230 provided as follows:

"Whenever, prior to the taking effect of this article, a person was born in the state of Missouri, or a resident of Missouri born outside of this state, such birth may be registered in the manner and according to, nearly as possible, the provisions of section 9054 of this article, by filling out blank registration papers secured from the local registrar and filing same, together with a registration fee of \$2.50, with the state registrar of vital statistics. Such papers shall contain the affidavits, sworn to before a notary, of at least two persons, knowing the facts. The state registrar may require further affidavits to establish the truth of the facts endeavored to be made of record by the certificate and may withhold filing of such birth certificate until his requirements are complied with. The state registrar may make and enforce appropriate rules and regulations to carry out this act and to prevent fraud and deception."

The above statute was passed as an amendment to article II of Chapter 52 of the Statutes of this state.

It appears the purpose of the amendment was to provide a way by which persons born in this state prior to this law, which was passed in 1909, and also persons who were born out of the state, but now resident of the state could have their birth registered.

The law provided that proof of the facts relative to such births shall be by affidavits, of at least two. It will be borne in mind, that the state registrar must be satisfied of the truth in relation to any birth coming under this class, and may withhold filing such birth certificates until he is fully

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satisfied that no fraud or deception is attempted in filing a birth certificate.

It further appears the state registrar is empowered to make all rules and regulations necessary and appropriate to carry out said amended act, that fraud and deception may be prevented.

<sup>4115</sup> We hold that the interpretation of said section 2054a Supra, to be that the state registrar has the power and authority to make all rules and regulations necessary and appropriate to effect the registration of persons born either in this state or out of the state, but now residents, thereof prior to August 17th, 1909, when the original act became a law; upon a proper application and a payment of a fee of Two and 50/100 (\$2.50) Dollars.

Respectfully submitted,

W. W. Barnes

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Assistant Attorney-General

APPROVED:

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Attorney General