

BOARD OF HEALTH--BIRTHS: Free birth records, when available, are to be furnished for use in perfecting claims for United States Soldiers' pensions.

July 9, 1936.

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Honorable Herman S. Gove, M. D.
Assistant State Registrar
State Board of Health
Jefferson City, Missouri

Dear Sir:

We acknowledge your request for an opinion dated June 23, 1936, which reads as follows:

"We are writing you for an opinion on a matter that has confronted this department recently. Veterans who were born prior to 1910 have been writing us either individually or through the various organizations such as Veterans' Administration, American Red Cross, etc. seeking birth certificates of themselves to be used in claims. As you may know, we have no records prior to 1910 but in the 1931 legislature an act was passed enabling this department to record births of persons born in Missouri or now residents of Missouri and who were born prior to 1910. Quoting from Book 11, Revised Statutes of Missouri, 1929:

" 'Section 13884. Free copies of records. Whenever a certified copy or copies of any public record in the state of Missouri are required to perfect the claim of any soldier, sailor or marine, in service or honorably discharged, or any dependent or such soldier, sailor or marine, for a United States pension, or any other claim upon the government of the United States, they shall, upon request be furnished by the custodian of such records without any fee or compensation therefor.'

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"We do not have any records prior to 1910 and must record these births from affidavits presented by the applicant. Therefor would this section be applicable to the prior to 1910 birth:

Section 9054a, Laws of 1931, p. 230, provide:

"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, 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, or 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 prevent fraud and deception."

Section 13884 R. S. Mo. 1929, set out in your request should be construed with Section 9054, supra, so that the provisions of both sections have force.

CONCLUSION.

Where the Board of Health has recorded any births, pursuant to the Law of 1931, supra, the said record, like all the Board's other printed records, falls within the

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liberal provision of Section 13884, supra. Where you are requested for a birth record to be used in perfecting a claim for a United States Soldier's pension, it is your duty to furnish said record without fee, if you have said record. If you do not have said record you should so state, and at the same time explain that your birth records, prior to 1910, are very incomplete, as the law, prior to that time, did not require compulsory birth registration, and the privilege of recording births occurring prior to that date is only by the 1931 enactment.

yours very truly

WM. ORR SAWYERS
Assistant Attorney General.

APPROVED:

JOHN W. HOFFMAN, Jr.
(Acting) Attorney General.

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