



676

## OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable Ernest Guinn  
County Attorney  
El Paso County  
El Paso, Texas

Dear Mr. Guinn:

Opinion No. O-2347-A

Re: Whether or not the local Registrar should accept evidence of a negro and a Mexican as a basis for accepting the corrected birth certificate of a child born to them prior to the marriage.

We are in receipt of your letter of June 24 in which you ask the following question:

"I am enclosing herewith a birth certificate filed with the City Registrar by Charley Allen and Francisca Alarcon, seeking to legitimize an illegitimate child.

"You will note from the birth certificate that the father is colored and the mother is white. The evidence further shows that they were married in Las Cruces, New Mexico. The child, as you will note was born in El Paso, Texas.

"The City Registrar is requesting me for an opinion as to the power to legitimize a child born of a colored father and a white mother; the law expressly prohibiting marriage between such persons in this State."

After discussing this question with the writer of our Opinion No. O-2347 it was decided that the question propounded in your letter was basically the same as that requested in the before mentioned opinion. A copy of this opinion is attached and made a part of this reply.

Honorable Ernest Guinn, Page 2

The City Registrar as a ministerial officer is required by statute to perform certain ministerial acts. See Article 4477, Revised Civil Statutes as explained page 3 in attached opinion. We are not passing upon the legal effect of the filing and acceptance of this certificate. Suffice it to say:

"You are not concerned with the legal effects of such procedure as to the legitimacy of the child, its right of inheritance, or other legal rights whatsoever and we are not passing upon any such question." A. G. Opinion No. O-2347.

You are therefore respectfully advised that the City Registrar should accept and file the certificate according to the procedure outlined in Article 4477 of the Revised Civil Statutes of Texas.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By *Frederik B. Isely*  
Frederik B. Isely  
Assistant

FBI:rw

APPROVED JUL 2, 1940

*Gersbach Mann*  
ATTORNEY GENERAL OF TEXAS

