



WILLIAM J. SCOTT
ATTORNEY GENERAL
STATE OF ILLINOIS
500 SOUTH SECOND STREET
SPRINGFIELD

January 6, 1972

FILE NO. S-389

OFFICERS:
Notaries Public -
Type of Seal

Honorable Alvin H. Pettit
State's Attorney
Courthouse
Jersey County
Jerseyville, Illinois

Dear Mr. Pettit:

I have your letter of October 15, 1971, in which
you state:

"With so many County offices using
microfilm and photostating processes
for recording and making copies of
instruments, the question has arisen
as to whether a Notary Public could
use a rubber stamp notarial seal
instead of the more conventional
metal seal which impresses the

paper. It is sometimes difficult to reproduce these impressed seals, even though they are brushed with graphite before being reproduced."

Section 7 of The Illinois Notary Public Act provides as follows:

"Each notary public shall, upon entering the duties of his office, provide himself with a proper official seal, with which he shall authenticate his official acts, upon which shall be engraved words descriptive of his office; and the name of the place or county in which he resides." Ill. Rev. Stats. 1969, ch. 99, par. 7.

Illinois authority on this point is very limited. However, the court in Mason v. Brock, 12 Ill. 273, stated as follows at page 277:

"The statute is silent as to the form and character of the seal. He [a notary public] may adopt a seal, with such an inscription as his judgment may dictate, or his fancy may suggest. It must, however, be capable of making a definite and uniform impression on the paper on which a certificate is written, or on some tenacious substance attached thereto, so that when a question arises as to the genuineness of an authentication, it may be determined by reference to the seal in the possession of the officer."

The most complete statement of the law on this point is contained in the annotation at 7 A.L.R. 1663, 1665:

January 6, 1972

"And a notary's seal impressed directly upon paper by a die with which ink was used was held sufficient in Pierce v. Indseth (U. S.) supra. So, a notarial seal consisting of an impression in ink in the form of such a seal stamped upon the paper has been held to constitute a seal. The Gallego (1887) 30 Fed. 271.

"On the other hand, in Stephens v. Williams (1877) 46 Iowa, 540, where the statutes required a seal with specified words 'engraved' thereon and a 'distinct impression' thereof filed, it was held that a wafer with the required words written upon it with a pen, but without any impression, was insufficient as a notarial seal."

The Iowa case, dealing with a statute identical in all salient respects with the Illinois Statute at hand, is controlling. The Illinois Statute requires that the descriptive words on the notarial seal be engraved.

"Generally the words used in a statute should be given their plain and ordinary, or commonly accepted or popular, meaning unless such construction will defeat the manifest intention of the General Assembly." 34 I.L.P. Statutes, sec. 117; Lincoln Nat. Life Ins. Co. v. McCarthy, 10 Ill. 2d 489, 140 N.E. 2d 687; Curtis v. Lowe, 338 Ill. App. 463, 87 N.E. 2d 865.

January 6, 1972

Black's Law Dictionary (4th ed.) defines "engraving" as "The art of producing on hard material incised or raised patterns, lines, and the like,....American Historical Co. v. Clark, 316 Ill. App. 309, 44 N.E. 2d 761."

Black's Law Dictionary also defines "Public Seal", inter alia, as "an impression made of some device, by means of a piece of metal or other hard substance, kept and used by public authority." Black's Law Dictionary also defines "Seal", inter alia, by saying "Merlin defines a seal to be a plate of metal with a flat surface on which is engraved[a] device with which an impression may be made...."

Ballatine's Law Dictionary defines "impression" as "An indentation, fissure or other mark made by the weight of one object applied to another...."

It is my opinion, therefore, as stated above, that to satisfy the requirements of section 7 of The Illinois Notary Public Act, which provides that the proper official seal of a notary public "be engraved" with the words descriptive of his office, such seal must be of a type which will impress a uniform and distinct impression upon the paper, wax, wafer, or other tenacious substance, authentication

Honorable Alvin H. Pettit - 5

January 6, 1972

of which is required; and that a rubber stamp which would leave only an ink print and not an indentation or impression in such paper or the like, would not satisfy these requirements.

Very truly yours,

A T T O R N E Y G E N E R A L