

**Opinion No. 50-5304**

June 16, 1950

**BY:** JOE L. MARTINEZ, Attorney General

**TO:** Honorable Paul Tackett District Attorney Second Judicial District Albuquerque, New Mexico

{\*160} I am writing in reply to your letter in which you propound the following question:

"May a notary public in lieu of a seal which indents the words required by the statute upon the paper, utilize a stamp which clearly imprints upon the instrument the same words?"

It is not my desire to trace the long history of the evolution of the use of notarial seals. An excellent statement of background is set forth in *Connolly v. Goodwin*, 5 Calif. 220, tracing the history through the wax and wafer phase of imprinting seals.

An excellent case setting forth the purpose and principles involved in requiring the seal is *Bradley vs. Northern Bank*, 60 Ala. 252, where the paper upon which the seal was impressed came into dispute seventeen years after execution. The Court found a distinct circular outline impression of a seal with an indented inner edge or rim and within this a number of stars in a circular row and between them and the edge, the legend, "Notary Public, New Orleans, La."

The necessity for the deep impression in the paper is that paper alone is liable to age, leaving a mere impression less distinct, "especially if the paper be not of a quality good for retaining it". It is believed that there are a number of cases holding that the mere imprint is not enough but they seem to ignore the very purpose of indenting the paper, namely, to prevent obliteration of the seal by age.

The above is based largely on our analysis of the purpose of notarization, the quality of paper, and the durability of mere stamps.

I trust the foregoing adequately answers your inquiry.