

OPINION 34

OFFICIAL OPINION NO. 34

July 26, 1955

Mr. Ferdinand Jehle, Secretary
Board of Registration for Professional Engineers
& Land Surveyors
230 State Capitol
Indianapolis, Indiana

Dear Mr. Jehle:

Your letter of June 30, 1955 has been received and reads as follows:

“Section 16 of the Registration Act says ‘Plans, specifications, plats and reports issued by registrant shall be stamped with the seal * * *.’ The question which we are asked very frequently is, can a rubber stamp be used instead of the customary seal? The Board has always ruled that a regular seal and not a rubber stamp shall be used for this purpose. The law, of course, says, ‘shall be stamped’ and the Board has requested me to get your official opinion as to whether or not a rubber stamp would meet the legal requirements.”

The Acts of 1935, Ch. 148, Sec. 16, as found in Burns’ Indiana Statutes (1951 Repl.), Section 63-1532, provides, in part, as follows:

“Every registrant shall, upon registration, obtain a seal of a design authorized by the board, bearing the registrant’s name and the legend, ‘registered professional engineer,’ or ‘registered land surveyor.’ Plans, specifications, plats, and reports issued by a registrant, shall be stamped with the seal, during the life of the registrant’s certificate * * *.”

In the case of *Vanblaricum et al. v. Yeo*, Administrator (1830), 2 Blackford 321, in ruling on the sufficiency of seals on contracts and legal instruments, the Court determined we are no longer bound by the old common-law form of a wax impression seal but that ink seals used have the same effect as if they were of wax or wafer.

2 R. S. (1852), Ch. 17, Sec. 1, as found in Burns’ Indiana Statutes (1946 Repl.), Section 1-201, provides as follows:

“The construction of all statutes of this state shall be by the following rules, unless such construction be plainly repugnant to the intent of the legislature or of the context of the same statute:

“First. Words and phrases shall be taken in their plain, or ordinary and usual, sense. But technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.”

Webster's New International Dictionary, Second Edition Unabridged, defines the word “seal” as follows:

“* * * 10. *Law*. Any impression, device, sign, or mark given by statute law or by American local custom recognized by judicial decision, the effect of a common-law seal, as the word ‘seal’ or the letters ‘L. S.’ written or printed, or a scroll made with a pen, or any device made as a seal.”

It is true that one of the seals most frequently seen is the Notary seal which makes an impression in the paper. However, an examination of the statute relative to Notaries shows that the wording of the statute requires the seal to be of such a type as will cause an impression on the paper. [1 R. S. (1852), Ch. 76, Sec. 4, as found in Burns' Indiana Statutes (1951 Repl.), Section 49-3506.]

From the foregoing, it would appear since the statute merely uses the word “seal” and provides said papers shall be “stamped” with said seal, that a rubber stamp containing “a design authorized by the Board” would constitute a “seal” within the meaning of said statute and could be stamped on the paper.