

I am aware of *Pierce vs. Indseth*, 106 U. S. 546; *The Gallego*, 30 Fed. 271; *Finson vs. Nicholas*, 28 S. C. 198; *Flemming vs. Richardson*, etc., 13 La. Ann. 414; and *Ralph vs. Gist*, 4 McCord (S. C., Ct. App.) 267. But these cases, likewise, are not controlling, for they were decided by judicial decision extra-statutory. In contrast, around the field of our inquiry, the Ohio Legislature has erected a definite statutory fence and closed the common law gate. These boundaries must be respected. And see also: *Mason vs. Brock*, 12 Ill. 273; *Oelberman vs. Ide*, 93 Wis. 669; *Hinckley vs. O'Farrel*, 4 Blackf. (Ind.) 185; *Carter vs. Burley*, 9 N. H. 558, 569, *Hendrix vs. Boggs*, 15 Neb. 469, 472; *Richard vs. Boller*, 5 How. Prac. 371.

Certain other cases cannot be dispositive of our question for they were decided either under one of the previous forms (3 O. L. 211, passed in 1805; and 29 O. L. 349, supra, passed in 1831) of the statute now Section 32, General Code, which expressly authorized the use of ink, or else they were cases which had no statutory provisions at all which were applicable to them, in contradistinction to our question. *Howe vs. Dawson*, Tappan 169 (1817); *Michenor vs. Kinney*, Wright 459 (1833); *Gazzam vs. Ohio Insurance Company*, Wright 214 (1833); *Johnson vs. Nelson*, 2 Ohio Dec. Reprint 487 (1861); *Osborn vs. Kistler*, 35 O. S. 99 (1878); *Bobbe vs. Moon Building Association*, 6 Bull. 124 (1881).

In view of the fact that I deem the above considerations decisive of our question, I do not believe it necessary to make a determination either way upon a further factor about which I have great doubts, that is, whether a rubber stamp seal meets the requirement of Section 31, General Code, which requires that "All official seals shall have engraved thereon the coat of arms of the state * * *". See *Stephens vs. Williams*, 46 Iowa 540.

I have made no attempt to compare the relative merits of the rubber stamping process and the process by which the conventional seal is made. That is a matter for the Legislature. But under the present law, as the Legislature has enacted it, I am of the opinion that a rubber stamp and ink are not proper constituents of the seal with which the statutory law enjoins each notary public to provide himself.

Respectfully,

GILBERT BETTMAN,
Attorney General.

2681.

APPROVAL, BONDS OF PORTSMOUTH CITY SCHOOL DISTRICT,
SCIOTO COUNTY, OHIO—\$16,000.00.

COLUMBUS, OHIO, December 16, 1930.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

2682.

APPROVAL, ABSTRACT OF TITLE TO LAND OF WILLIAM GERLACH,
JR. AND ANNIE E. GERLACH IN CITY OF PIQUA, MIAMI COUNTY,
OHIO.

COLUMBUS, OHIO, December 16, 1930.

HON. PERRY L. GREEN, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of a recent communication from your office over the signature of Mr. Carl L. Van Voorhis, Assistant Commissioner