



# The Attorney General of Texas

October 16, 1978

JOHN L. HILL  
Attorney General

Supreme Court Building  
P.O. Box 12548  
Austin, TX. 78711  
512/475-2501

701 Commerce, Suite 200  
Dallas, TX. 75202  
214/742-8944

4824 Alberta Ave., Suite 160  
El Paso, TX. 79905  
915/533-3484

723 Main, Suite 610  
Houston, TX. 77002  
713/228-0701

806 Broadway, Suite 312  
Lubbock, TX. 79401  
806/747-5238

4313 N. Tenth, Suite F  
McAllen, TX. 78501  
512/682-4547

200 Main Plaza, Suite 400  
San Antonio, TX. 78205  
512/225-4191

An Equal Opportunity  
Affirmative Action Employer

Honorable Fred P. Holub  
Matagorda County Attorney  
P. O. Box 1527  
Bay City, Texas 77414

Opinion No. H- 1258

Re: Whether a rubber stamp  
may be used by a district clerk  
as his official seal.

Dear Mr. Holub:

You have requested our opinion regarding whether a rubber stamp engraved as directed by article 1905, V.T.C.S., may be used by a district clerk as his official seal to validate his acts of office.

A very similar question was posed in Attorney General Opinion M-853 (1971). That opinion decided that a notary public may use a rubber stamp engraved as directed by article 5960, V.T.C.S. That opinion stated:

The specific directive of such statute is in regard to the text and form of a particular device or design to be engraved on the instrument . . . as a seal of office. Nothing in this statute . . . requires the use of any particular material in the construction of any seal, notarial or otherwise.

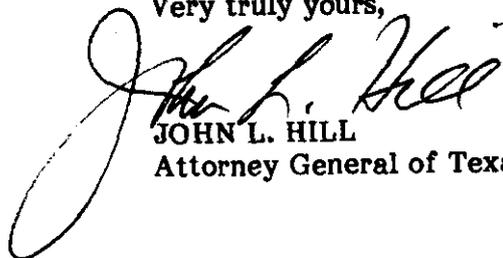
(Emphasis in original).

Article 5960, the statute that describes the seal of notaries public, is substantially similar in wording and form to article 1905, the statute that describes the seal of district clerks. Accordingly, it is our opinion that the use of a rubber stamp engraved as described in article 1905 by a district clerk to authenticate his acts of office is permissible and sufficient in law to constitute the use of his official seal. Caution should be taken, however, to insure the durability and clarity of the impression. See Stooksberry v. Swan, 21 S.W. 694 (Tex. Civ. App.), affirmed, 22 S.W. 963 (1893).

## S U M M A R Y

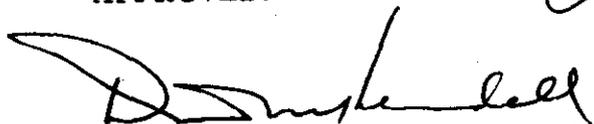
A district clerk may use a properly engraved rubber stamp as his official seal of office.

Very truly yours,



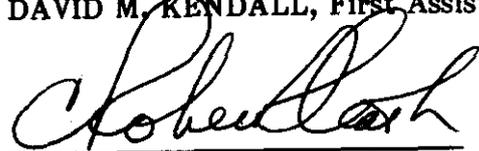
JOHN L. HILL  
Attorney General of Texas

APPROVED:



---

DAVID M. KENDALL, First Assistant



---

C. ROBERT HEATH, Chairman  
Opinion Committee

jsn