

sand, as ascertained by the federal census next preceding such election, by a vote of the electors thereof, the probate court shall be combined with the court of common pleas, the resident judge of the court of common pleas with which such probate court has been so combined shall, after such office has been so combined, receive, in addition to the salary provided for in sections 2251 and 2252, an annual salary of five hundred dollars. Such additional salary shall be paid quarterly from the treasury of such county upon the warrant of the county auditor."

Observe that the compensation herein provided for is ascribed to "the resident judge of the court of common pleas." He is the officer who holds the court, and he is to receive, in consideration of the fact that additional duties have devolved upon him, his ordinary salary of common pleas judge and in addition thereto an annual salary of five hundred dollars, payable quarterly from the county treasury.

There is here manifest, then, a specific intention on the part of the legislature that the compensation of the judge of the combined courts is to be the common pleas judge's compensation, and that judge is treated as the common pleas judge. Manifestly, then, the general assembly did not intend that any statutory provision relating to the salary of the probate judge should apply. It is just as logical to argue that the judge of the combined courts shall receive the statutory salary of the probate judge, as it is to argue that he shall receive the statutory fees personally retainable by the probate judge in inheritance tax cases.

It is the conclusion of this department, therefore, that the general assembly has treated the effect of the combination or consolidation of the common pleas and probate courts in counties having a population of less than sixty thousand as a merger of the probate court into the common pleas court; and that the provisions relative to compensation which govern the judge of such court are those of section 2251-1 of the General Code, and no other section, except those referred to therein; and that, consequently, the salary and fees, especially those in inheritance tax cases, receivable by a probate judge for his own use cannot be received by a judge of such combined courts in such county.

Respectfully,
JOHN G. PRICE,
Attorney-General.

2327.

APPROVAL, BONDS OF VILLAGE OF MILFORD, OHIO, IN AMOUNT OF \$3,500 FOR OPERATING EXPENSES.

COLUMBUS, OHIO, August 12, 1921.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.