

As the statute provides that a probation officer of the court may be designated as county attendance officer, and as there is no statutory inhibition against the same person holding the position of humane officer, and probation officer of the Juvenile Court, and as I find no statute prohibiting the combining of the duties of probation officer, humane officer and county attendance officer in the same person, the conclusion is reached that said duties may be combined in the same person unless the offices are incompatible.

As held in the case of *State ex rel, Gebart* 12 O. C. C., (N. S.) at page 275:

"Offices are considered incompatible when one is subordinate to, or in any way a check upon, the other; or when it is physically impossible for one person to discharge the duties of both."

The duties of probation officer, humane officer and county attendance officer, as prescribed by statute, do not conflict in any manner, and neither of said offices are in any way a check upon, or subordinate to the others.

As to whether or not it would be "physically impossible for one person to discharge the duties" of these three offices, will depend upon the circumstances of each particular case, and the requirements of each county.

There is no doubt that, in many of the smaller counties of the state, it would be physically possible and practicable for one person to perform all the duties of these several offices, and as you state in regard to Preble county, that such combination "would be economical, efficient and advantageous."

The conclusions from the foregoing may be summarized as follows:

1. Exclusive jurisdiction to administer the mothers' pension law is vested in the Juvenile Court, and as judge of the Court of Common Pleas, you would be without authority to administer this branch of the law after the designation of the probate judge of your county, as juvenile judge. The jurisdiction of the Juvenile Court may not be thus apportioned; but must be exercised exclusively by the judge designated as juvenile judge.

2. If it is physically possible, in your county, for one person to discharge the duties of humane officer, probation officer of the Juvenile Court, and county attendance officer, in an efficient manner, then there is no legal objection to the same person holding all of these offices at the same time. If it is not physically possible in your county, for one person to discharge all of these duties at the same time, in an efficient manner then, under the law, as quoted above, the offices are incompatible and may not be held by one person at the same time.

Very respectfully,

C. C. CRABBE,
Attorney-General.

39.

APPROVAL, BONDS OF YORK TOWNSHIP RURAL SCHOOL DISTRICT, MEDINA COUNTY, \$8,000, TO CONSTRUCT, REPAIR AND IMPROVE SCHOOL BUILDING.

COLUMBUS, OHIO, January 31, 1923.

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