

an award and entered into a contract in accordance with the proposal. Thereafter it acted under the contract for nearly one year during which time it showed by its actions that the term "daily balances" was considered as meaning just what all the parties had previously considered it as meaning, and it cannot, during the life of this contract at least, place any other interpretation on the contract.

This question has previously been considered by this department in an opinion rendered to the Honorable William H. Vodrey, Lisbon, Ohio, found in the Opinions of the Attorney General for 1916, page 666, in which opinion a conclusion was reached similar to that herein expressed.

Specifically answering your questions in the order asked:

1. It is my opinion that depositary banks in the city of Cleveland, which have submitted bids for the use of the public money of the city of Cleveland in accordance with the proposal for bids of March 9, 1925, and have thereafter entered into depositary contracts with the city of Cleveland, in accordance with the said proposals and the laws of the state of Ohio and the Municipal Code of 1924 for the city of Cleveland, are required to pay interest on all daily balances of the public funds of the city of Cleveland as shown by their books and the book of the treasurer of the city of Cleveland, regardless of whether or not the deposits of the public funds were made up of checks, drafts, coin or currency.

2. The depositary banks of the city of Cleveland, acting under contracts such as you have submitted for my consideration, cannot legally refuse to receive deposits of checks and drafts to be credited to the account of the city of Cleveland as cash.

3. Findings for recovery may be made against depositary banks for the difference between the amount of interest paid on daily balances of public moneys of the city of Cleveland deposited with such bank and the amount that should have been paid in accordance with the terms of their contracts as interpreted in this opinion.

Respectfully,

EDWARD C. TURNER,
Attorney General.

376.

DISAPPROVAL, BOND FOR FAITHFUL PERFORMANCE OF DUTIES—
H. C. MILLER.

COLUMBUS, OHIO, April 23, 1927.

HON. GEORGE F. SCHLESINGER, *Director, Department of Highways and Public Works,*
Columbus, Ohio.

DEAR SIR:—I acknowledge receipt of your communication of recent date, enclosing the official bond of H. C. Miller, as resident deputy state highway commissioner. The bond enclosed, was issued in lieu of the original bond given by Mr. Miller in 1923. This bond was issued for the reason that the original bond was not on file in the office of the Secretary of State, and the records of the Department of Highways and Public Works contain no reference to such a bond.

Inasmuch as this bond is dated in 1923, it will be necessary that the attorney in fact signing said bond in behalf of the surety company furnish evidence to this department that he was the attorney in fact for said company on the date that such original bond was executed, and that he was authorized to sign a bond of this nature in behalf of the surety company at that time.

I am returning the bond herewith, without my approval endorsed thereon for the reasons stated above.

Respectfully,
EDWARD C. TURNER,
Attorney General.

377.

APPROVAL, BONDS OF VILLAGE OF NORTH RANDALL, CUYAHOGA COUNTY, OHIO—\$1,000.00.

COLUMBUS, OHIO, April 23, 1927.

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

378.

BRIDGES OVER NAVIGABLE WATERS—NO GENERAL PROVISIONS IN LAW GRANTING UNDERWATER RIGHTS AND AUTHORITY TO CONSTRUCT BRIDGES—MUST BE SPECIAL AUTHORIZING ACT IN EACH CASE—SANDUSKY BRIDGE BILL—WHEN EFFECTIVE.

SYLLABUS:

1. *There are no general provisions in the laws of Ohio under which necessary underwater rights and authority to construct bridges over navigable waters may be granted by a state official without the necessity for an authorizing act in each individual case.*
2. *House Bill No. 71 (Sections 13996-2 to 13996-8, both inclusive, General Code), grants authority to the Sandusky Bridge Company to construct, maintain and operate a bridge across Sandusky Bay, the plans and specifications for said bridge and the means adopted for caring for navigation to be subject to the approval of the Director of Highways and Public Works and the construction of said bridge to be under his supervision.*
3. *House Bill No. 71, will become effective on June 28, 1927, unless a referendum petition be filed prior to said date requiring the submission of said act to a vote of the people under the provisions of Sections 1 to 1-g of Article II of the Ohio Constitution.*

COLUMBUS, OHIO, April 25, 1927.

MAJOR DEWITT C. JONES, *District Engineer, Buffalo, N. Y.*

DEAR SIR:—Acknowledgment is made of your recent communication reading as follows:

“In connection with the approval of plans of bridges and other structures by the Chief of Engineers and the Secretary of War, Section 9 of the River and Harbor Act of March 3, 1899, prescribes that bridges over streams, the navigable portions of which lie wholly within the limits of a single state may be built under authority of the State Legislature without a special act of Congress. A copy of the act is enclosed.