

provided, the city may make such payment out of the general fund, if the Board of Commissioners shall deem it advisable, and when the amounts assessed against the property specially benefited as is herein provided are collected, may repay to the said general fund the amount so advanced, and such payment shall not be a waiver of the city's rights to make such collection.

4. The Board of Commissioners shall have power to cause telegraph, telephone, and electric light companies to change the location of their poles, also to cause all erected poles not in use to be taken down and removed. If such companies shall fail to do such things after being notified, the city may have the same done at the expense of such companies. The Board of commissioners shall also have the power to require telegraph, telephone companies and electric light companies to run their wires underground, if, in the wisdom of the board, public interest should demand.

5. Any person, firm or corporation holding any franchise heretofore or hereafter granted by the city, authorizing the use or occupation for any purpose of any street, avenue or alley in the city, or any portion thereof, and requiring or binding the person, firm or corporation holding such franchise to keep any portion of such street, avenue or alley so used or occupied or the pavement thereof in repair, or to maintain the same in condition for public travel; or any person, firm or corporation who, under any contract heretofore or hereafter made with the city for the construction, reconstruction or repair of the pavement or other improvement of any Avenue, street or alley, or any portion thereof, shall be or is bound to keep the same in repair or in good condition for public travel, or to do or to perform any duty relating to the maintenance or repair of such pavement or other improvement, for any term of years mentioned in such contract, who shall be served with a written notice signed by any owner or owners of property abutting such street, avenue or alley, or such portion thereof, such notice to be so served by delivering in person, or by mailing same by registered mail to such person, firm or corporation, or any officer or agent thereof, at the postoffice address of his residence and who shall fail or refuse to repair or place in condition for travel according to the terms or requirements of such franchise or contract, the portion of such avenue, street or alley mentioned in such notice, which such person, firm or corporation is bound to repair or maintain, within ninety days after the service of such notice, shall forfeit to the city the sum of \$50 for each day after the expiration of said ninety days until said avenue, street or alley or portion thereof mentioned in said notice, and which such person, firm or corporation is bound to repair or maintain, is repaired and put in good condition for public travel, as required by the terms of such franchise or contract, or until the requirements and terms of such contract are complied with, such sum or sums to be recoverable at the suit of the city or at the suit of any owner of property abutting on said avenue, street or alley, or portion thereof, to the use of the city, in any court of competent jurisdiction. The penalty herein provided shall be in addition to and cumulative of any other penalty, condition or requirement contained in such franchise or contract. In any suit brought under this section, any judgment therein recovered may be made a lien upon any sum held by or deposited with the city, or in trust, to guarantee or secure the performance of the conditions of any such franchise or contract.

6. Whenever any franchise to any person, firm or corporation has heretofore been made, or shall hereafter be made or granted by the Board of Commissioners for the use of any street of the city for the purpose or for the exercise of any public privilege or advantage, and the said grant has been or shall hereafter be made upon any conditions named in said grant of things to be performed by the said grantee, and such grant shall contain no condition of forfeiture, yet the breach of any condition so named in any such grant, or any failure on the part of