

JEFFERSON CIRCUIT COURT

CHANCERY BRANCH

City of Louisville, individually,
City of Louisville for the use
and benefit of the gas consumers,
taxpayers and inhabitants of the
City of Louisville,
B. C. Neat,
Louis Hertel,
John W. Shymanski,
Shymanski & Sons, a corporation,
Moses Rothchild Company, a corporation,
individually, and
B. C. Neat,
Louis Hertel,
John W. Shymanski,
Shymanski & Sons, a corporation,
Moses Rothchild Company, a corporation,
for the use and benefit of the gas
consumers, taxpayers and inhabitants
of the City of Louisville similarly
situated,

Plaintiffs,

vs

PETITION IN EQUITY

Louisville Gas and Electric Company

Defendant.

Plaintiffs state:

That the City of Louisville is a municipal corporation of the first class, with power to sue and be sued, contract and be contracted with, and, by virtue of the laws of the State of Kentucky, possesses and exercises all powers, rights and duties so conferred.

That the defendant, Louisville Gas and Electric Company, is a corporation created by and under the laws of the State of Kentucky, with power to sue and be sued, contract and be contracted with, and to sell and distribute natural gas to consumers in the City of Louisville through pipe lines and mains installed in the public streets and public ways of said City under franchises obtained from said City; that the defendant also sells and distributes electricity to consumers in the City of Louisville by and through its poles and conduits in and upon the public streets and public ways of said City under franchises granted by said City; that no other corporation, company or individual sells gas or electricity to the public in the City of Louisville; that the defendant now has a monopoly to sell natural gas and electricity in said City; that there is no other corporation, company or individual selling manufactured gas, or mixed gas in said City.

ORDINANCES CREATING NATURAL GAS FRANCHISE AND ELECTRIC CONTRACT.

That by ordinance approved March 29, 1913, the City of Louisville, by and through its General Council, created a franchise or privilege of acquiring, laying, maintaining and operating in the streets, avenues, alleys and public ways of the City of Louisville, a system of mains, pipes and appliances for the distribution and sale of natural gas, manufactured gas and mixed gas, and providing for the sale of said franchise. Said franchise is in words and figures as follows:

Be it ordained by the General Council of the City of Louisville:

§ 1. There is hereby created the franchise or privilege of acquiring, laying, maintaining and operating in the streets, avenues, alleys and public ways of the City of Louisville, Kentucky, a system of mains, pipes, fixtures and appliances for the distribution and sale of natural gas, manufactured gas and mixed gas for heating and lighting and other purposes.

§ 2. The person, firm or corporation which shall become the purchaser of said franchise shall for convenience be hereafter referred to as the grantee.

§ 3. The grantee shall have the right, privilege, permission, authority and franchise, subject to the provisions hereof and to all powers reserved to said city, to acquire, lay, construct, maintain and operate a system of mains and pipes, in, along, through and under the streets, avenues, alleys and public ways within the corporate boundaries of the City of