

EXHIBIT 6

SARASOTA HERALD

Sunday, October 3, 1926

Coast Line Wins First Round Payne Terminal Case

SEABOARD IS ENJOINED IN COURT EDICT

**Temporary Injunction Is Granted by Judge Harrison From Entering Upon
Present Right of Way**

ANSWER MUST BE FILED BY OCT. 15

Question Concerns Right of Seaboard to Exclusive Use of Track Known as Hog Creek Spur

The first round of the legal battle between the Atlantic Coast Line and the Seaboard over the right of way to the Payne Terminals in a suit before Judge W. T. Harrison of the Circuit Court filed by Tampa Southern Railroad against Seaboard Air Line Railway and the city of Sarasota to enjoin the Seaboard from trespassing across the Coast Line's right of way and to enjoin the city from violating the ordinance of May, 1925, granting the right of way to the Terminal to the Tampa Southern has been won by the Coast Line is the granting of a temporary injunction today by Judge Harrison enjoining the Seaboard and its agents, servants and employees from entering upon or further trespassing on or across the right of way until the Seaboard answers the bill of complaint that was filed against it.

The question of the superiority of the Seaboard's right to the exclusive use of the city's railroad track known as the Hog Creek Spur, and to construct spurs off from it at pleasure even to obstruct any other railroad the City sees fit to grant a right of way to has been a matter of repeated controversies and bickerings between the two railroads, and the city council claiming for the city ownership of the strip of land from Lemon avenue west to the bay on which the track known as the Hog Creek Spur is located and claiming also the ownership of the track itself by purchase from the Seaboard in 1924, passed an ordinance granting a right of way to the Tampa Southern Railroad, a subsidiary or branch line of the Atlantic Coast Line; the Tampa Southern's track to be located on the same strip of land with the city's track used by the Seaboard, 13 feet to the north of it, and the privilege of using the docks or terminals at the waters of Sarasota bay.

After the grant of the right of way, and after the Tampa Southern had made its survey and began to get cross ties and rails on the ground to build its track, the Seaboard it is alleged deliberately built three spur tracks at intervals off from the city's track, to the north and across the right of way granted to the Tampa Southern, and obstructed further work by the latter. The matter it seems was called to the city council's attention, and they passed a resolution that the Seaboard remove its spurs within 30 days or steps would be taken to have them removed. The bill alleges that the Seaboard was notified of this action, who attempted to renew negotiations for some sort of an overture to be made by the Coast Line, just for what was never disclosed so the bill avers, and the Coast Line appealed to the city council after the 30 days were out to take steps to remove the obstructions, even at the expense of the Coast Line if necessary. But the council refused to do so, and yielded so it is averred to the persuasion of Mr. Capps, vice president of the Seaboard to

the effect that it was not a matter the city should take a hand in but was one for the Coast Line to take up with the Seaboard for some kind of adjustment, the kind or terms of same not being suggested or disclosed.

The Coast Line claims that the counsel thus attempted to impose a new and unreasonable condition on its grant of the right of way to suit the requirement of the Seaboard, and the city is sought to be enjoined from imposing any "novations" on the original franchise granted to the Tampa Southern. A full answer to the bill is required of the Seaboard by Judge Harrison, to be filed by October 15, and in the meantime the property must remain in status quo without any further trespasses upon it by the Seaboard. The case is being handled for the Tampa Southern by Judge John H. Carter, as special counsel for the Atlantic Coast Line Railroad, who has always contended that the asserted claim by the Seaboard of the superior right in the strip in controversy, by virtue of the old Payne contract for the construction and operation of the Hog Creek Spur is without any merit, and that the city's rights are supreme and the city should not be embarrassed any longer in encouraging the development of the city docks, and entrance to them by all railroads entering the city.