

Mercer Quarterly Court-

Everett Lane-

Plff-

vs-

Answer-

S.W.Kennedy-

Dft-

Comes now the defendant, S.W.Kennedy, Sheriff of Mercer County, Ky., and denies that he took from the possession of plaintiff and now detains unlawfully and without right one Ford Touring Car of the value of \$400.00 and which belongs to plaintiff.

Defendant says however that he did arrest the plaintiff under a warrant of arrest charging plaintiff with having in his possession unlawfully intoxicating liquor and that under said warrant he delivered said plaintiff to the jail of Mercer County, Ky., where he remained until a trial was had upon said charge and that as a result of said trial the said plaintiff was convicted and adjudged to pay a fine and serve a jail sentence and that he is now in the custody of the jailer of said county serving out said jail sentence.

Defendant further says that the Statute Laws of Kentucky provide that if any person is convicted of having in his possession unlawfully in a car intoxicating liquor and is convicted thereof that said car is to be and become confiscated and that it is the duty of the sheriff of said county in which such person is convicted to take possession of said car and hold same until such time as the proper officer can institute the necessary action to confiscate said car and that as set out herein and in pursuance of said law above referred to the defendant now has in his possession said car and is entitled to hold same until a judgment of confiscation is obtained and the said car subjected under said judgment.

W. H. Johnson
B. N. A. H. in