

THE LAWYERS' BRIEF BUREAU

Cincinnati, Ohio. Feby. 6th, 1915.

O. A. Byington,  
Dear Sir:--

BYINGTON v MALCOLM.

Enclosed is brief for local counsel in the above cause. I prefer that you have copy made and transmit same to counsel at Ann Arbor yourself. There is time to do so as no hearing will be had until the 12th inst.

The Mich. Negot. Inst. Act. is so clear and so decisive of the procedure that I can conceive of no answer alleging fraud to be filed by defendant that will put plaintiff to the burden of showing his INNOCENCY, considering the documentary evidence-defendant's letter of Nov. 25rd.- that must instanter negative the latter's subsequent plea of fraud.

Of course I do not hope that the right result will be reached before the Justice of the Peace. If necessary counsel may let the case go against plaintiff there, appealing to the Circuit Court where the brief herein will, I am confident, do the work. Or, as counsel suggests, he may get the case in the Circuit Court via some other channel than an appeal, although his letter to you is not quite clear on that subject. You need have no worry about not prevailing in the Justice's Court. It is too much to hope that he will understand the real tenor of the holder's rights under the Mich. Act governing Negotiable Instruments. But, if he does understand it, well and good. And, if anything will make him do so the explanatory brief herein must light the path to a clear understanding of the law.

Very truly,

The Bureau,

Per Holzman.