THE BEE: OMAHA, FRIDAY, APRIL 7, 1922

Old College Mates of Crete Fight in **Court Over Auto**

14

Omaha Attorney and Automobile Woman, Students Together 20 Years Ago, in Legal Battle.

Memories of college days spent together at Crete, Neb., nearly 20 years ago, flashed through the minds of W. M. Burton and Mrs. Iola W. Muff when they appeared in municipal court yesterday afternoon as plaintiff and defendant, respectively, in a damage action over an automobile.

Mr. Burton, a member of the Omaha bar, appeared as counsel for himself, and during the hearing of the case before Judge A. E. Baldwin he referred regretiully to the senti-mental coloration of the situation. Mrs. Muff has operated an auto-mobile establishment at Crete for six years. She appeared in modish attire and underwent a severe examination by her former college mate.

Attorney Seeks \$300.

Attorney Burton sought to re-cover \$300 and Mrs. Muff filed a counter-claim of \$565.81. Flaintiff alleged that during May last year he drove his Ford sedan to Crete and traded that machine for a larger car, paying defendant \$325 in cash. Bur-ton testified that the car he received was not as represented and the Crete woman testified that the car she received was encumbered with a mortgage which was not made known by Burton.

The mortgage and various owner-ships of the Ford car furnished an interesting sidelight to the case. Mr. Burton did not know until recently that the car had been mortgaged. He bought the car from Robert Mar-met, who said he acquired it from Earl O'Brien. A previous owner was referred to as W. W. Sanborn, who gave a mortgage of \$375 to E. L. Pflug of Springfield, Neb. Mr. Pflug was in court. The counter-claim of Mrs. Muff included the amount of the mortgage, a

Burton Gives Testimony.

Mr. Burton testified that he went to Crete and entered into the transaction with a feeling of confidence in the integrity of his former college mate, to which statement counsel for Mrs. Muff replied that the old rule of law, "Caveat emptor," meaning "Let the buyer beware," was applic-able when Burton accepted the other car from Mrs. Muff.

Leonard During, shopman for Mrs. Muff, testified: "Mr. Burton and his mechanician tried her out and his mechanician tried her out in every way, shape and manner. He had her in low, intermediate and high. Then Mr. Burton wanted a guarantee on the car, but Mrs. Muff told him that she would not guaran-tee second-handecars."

The questioning of Mrs. Muff by Burton included this: "Where were you after 8 p. m. on May 28, 1921?"

The Crete automobile woman glared and then smilingly replied that she was in her garage, adding

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