



Mrs. James Murray Mitchell, Whose "Stop Loss" Suit for Her Husband's Love Ended in a \$700 Verdict.

## Why a Wall Street Broker's Love is Worth Only \$700.

The Curious Considerations of "Stop Loss" Orders on Affections, "Margins on a Wife's Bank of Love" and a "Heart as a Stock Asset" That Prompted

a Jury to Make One of the Lowest Valuations on Record Upon a Lost Husband

A JURY has awarded Mrs. James Murray Mitchell, wife of a Wall street broker, \$700 as its estimate of the worth of her husband's love. Mrs. Mitchell had sued Mrs. Ruth Austin, a younger woman, for \$25,000—which was her estimate of what she thought his affection was worth. What she received in the lowest valuation of a man's heart ever recorded in New York County with one notable exception, when only six cents were awarded to a woman who commenced a similar action some years ago.

The Mitchell decision raises a number of unusually interesting questions. For instance, with Stock Exchange seats selling now for around \$70,000, what was it that determined the jury to declare a broker's heart worth only and just one per cent the value of the seat? The manner in which this and other questions were decided was, if information that comes directly from those most intimately connected with the verdict and its evolution are to be believed, as interesting as the questions themselves. For it happened that the jurymen were, almost without exception, men thoroughly familiar with stock exchange ways and methods, and they at last argued the points purely from a stock exchange viewpoint.

In other words, they put themselves in the position of brokers. Mrs. Mitchell was their customer and Mr. Mitchell's love the stock whose value they had to determine.

Take, for instance, the question mentioned. It is true that a Stock Exchange seat is a staple institution, always there and, while subject to fluctuations, in time of panic, still never inconsiderable in its quoted price. But on the other hand, a man's heart is always there while he's alive; it has its fluctuations, of course, but its value to its owner at least is never inconsiderable.

Ah, said the wise jury, that is true of the stability of the seat and true also of the stability of the heart. But the value of each is in reality determined by the quality and quantity of what they deal with. The Stock Exchange deals with stocks, bonds and so on; the heart with affection, love and so on. If the supply of good stocks decreases, and bad stocks take their place, the value of the Stock Exchange seat decreases. If the quality and quantity of emotions that occupy what we call the heart deteriorate then equally the value of the heart deteriorates.

### A Heart's Fluctuations in a Love Bear Raid.

Another question—Is a broker's heart subject to bear raids and bull raids? Ought a wife put in a stop loss order when she suspects that her husband's love is on the wane? Can he call upon her for margins from her bank account of affections?

But before going into these and other unique considerations that swayed the Mitchell jury and the final extraordinary scene in which the heart of James Murray Mitchell was bid down to \$700 in true Stock Exchange fashion, it will be necessary to know what led up to and was the cause for calling in any jury at all.

Mrs. Ruth Austin, twenty-four years old, and profoundly indignant, sat angrily in the witness chair.

"Look at her, gentlemen," said the lawyer for the plaintiff. "Do you not think her alluring? Look upon those soft brown eyes, at that exquisite figure, melting curve into curve, at that pouting mouth. Behold that creamy skin, the lovely ring-weighted hands. Could she not allure any man? She could."

A titter from the court room. A ribald voice husked, "Thou, too, Brutus." There were more titters.

Mitchell's stock stood at \$25,000. Had the jury retired at that moment, Mrs. Mitchell would have been richer, and her rival poorer by \$25,000. But at Mrs. Austin's determined answers Mitchell's stock began to tumble.

The examination ran like this:

"How long have you known Mr. Mitchell?" "About four years."

"How did you meet him?" "I was introduced by some mutual friends."

"Did you ever address Mr. Mitchell and say to him that he must abandon his wife and come to

you?" "No." "Are you in love with him?" "No."

"Did you ever entertain any love or affection for him?" "No." "Did you ever speak to Mrs. Mitchell by telephone?" "Never." "Did she once ask you by telephone what you wanted to speak to her husband about, and did you reply with profane language, it was none of her business?" "I never did."

"Did you ever see him at the Waldorf-Astoria?" "Yes." "Was he with his wife?" "Yes." "Did you speak to her?" "No." "Did you speak to him?" "Only bowed to him." "After he separated from his wife, didn't he discuss the matter with you?" "No." "Don't you think it would have been natural?" "I never thought of it and he never volunteered." "Did you ever meet any of Mrs. Mitchell's family?" "Yes. Her brother. I went to a dance with Mr. Mitchell and him and danced with both of them."

At this time, had the jury retired, it would have brought in a verdict of no damages, for it believed Mrs. Austin.

But then there was the testimony of Mrs. Mitchell. She repeated what appeared in her complaint, repeated it with tears.

"Tell your story in your own way, Mrs. Mitchell," said her counsel.

"I went to the Waldorf-Astoria with my husband. It was one night about two years ago. He had behaved very well and was very attentive until he saw Mrs. Austin. While I was dancing she bowed and smiled at my husband. She came over to him and put her arm around the back of the chair in which he was sitting. After that he wanted to send me home alone, but I wouldn't go by myself.

"He consented, sulkily, to take me home. But after we got home he left and did not return until five in the morning."

### Influence of Mrs. Austin Upon Mitchell Heart Stock.

The lawyer, reading from the complaint: "You stated, did you not, that after he met Mrs. Ruth Austin he became a different man. He became estranged. His regard and affection for you were destroyed?" You said, did you not, that in or about the month of May, 1913, she induced and wilfully and maliciously enticed the said James Murray Mitchell to desert you and your children, leaving you without means of support, and that she induced him to go to her place of abode in the City of New York and elsewhere, at which place and places she has since harbored and detained the said James Murray Mitchell against your will? Did you so swear?"

"I did."

"Mrs. Mitchell, did you write this letter?"

Mrs. Mitchell examined the letter and nodded, "Yes, sir," she said.

"I wrote that after I had summoned him to the Domestic Relations Court to make him support the children and myself."

The attorney read the letter—

"If instead of busying yourself running in and out of a cafe downtown and consuming all the liquor possible every afternoon you would save a little money you might not be in court so often. While you are drinking your silly head off Austin is flirting with your rivals."

The jury looked reproachfully at Mrs. Austin. How could she have deceived them so with those big, brown, appealing eyes? Mrs. Austin cast down those eyes and looked distinctly sulky.

"A verdict against her for the limit, Twenty-five thousand if a cent," each juror said in his heart.

Then appeared Mr. Mitchell. The jurors surveyed him with interest. The man about whom two women go to law is always of interest to other men who have led a commonplace existence. He was thirty-one years old. He was very tall. He was reasonably handsome, but the jury could find flaws in his beauty. Each believed that among their number was one, at least, who was as handsome as he.

"My reason for leaving my wife was not in any way related to Mrs. Austin," he insisted. "My wife is very fond of society. She liked to go about and to dance. She used to insist upon my ac-



Miss Daisy Markham, English Actress, Whose Verdict of \$250,000 for the Loss of the Marquis of Northampton's Love is the Highest Valuation Ever Made of Any Man's Heart.

companying her to dances and stay until half past three in the morning. I had to get the returns from the London stock market at five. So I never had enough sleep and I was breaking down. My nervous system did break down. I told my wife that I could not stand her kind of life and that we would better live apart.

"I have suffered reverses since the war, but I am now supporting my wife and children. The defendant has never persuaded nor enticed me, by offers of money or in any other way, to leave my wife."

Burdened with this conflicting testimony the jury retired to consider the three points of a strange triangle of testimony.

"What are his affections worth?" asked an impatient juror. "That's all it stammers down to. What do you think?"

"I say \$25,000," affirmed one.

"Twenty-five thousand? You're crazy. The affections of a man who is dissatisfied with his home and his wife are worth six cents," said another.

Appalled at the difference between these extreme estimates, others tried to effect a compromise. A scattering ballot was taken. It resulted in these estimates of the worth of Mr. Mitchell's affections:

\$25,000;  
\$10,000;  
\$15,000;  
\$150;  
\$75;  
\$66.

The battle raged. The \$25,000 man and the six cent man openly hated each other. The \$10,000 man begged for a compromise.

"Well, gentlemen," said one, "now that we have agreed that the plaintiff is entitled to a verdict, it ought to be easy to decide how much. But everyone seems to think differently."

One juror—"It seems to me that we ought to apply the principles which govern stock transactions. We're the brokers' stock transactions. We're the brokers, the wife's our customer, her husband's our customer, her husband's our customer."

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Mrs. Ruth Austin, Whose "Bear Raid" on Mr. Mitchell's Heart Caused the Suit.

refused them it wasn't her fault.

Another juror—"No, no, it's too late to talk about more margins now. This plaintiff saw the value of her stock going down and in order to save something out of the wreck she put in a stop-loss order which we are called upon now to execute. We are the brokers. The limit having been reached we've got to execute the order and all we can obtain for our customer is the market price prevailing today. In my opinion this stock isn't worth \$1,000."

Another juror—"Don't forget this stock once paid a dividend. Don't you think we ought to give her something for the possibility that the dividends might have been resumed if this defendant hadn't butted in?"

"Well, all I'd vote for is \$500."

Other jurors in chorus—"Six cents! Ten thousand dollars! A thousand dollars! \$150!"

And there they were, back in the old place once more. Finally the twenty-five thousand man gave up. He joined forces with the ten thousand dollar man! Because they were tired and hungry they allied themselves to the fifteen hundred dollar man.

As the dinner hour passed the three yielded place to one who advocated a verdict of \$850. At this point the six-cent man spoke harshly of and to his companions and refused to talk further with them. He took a seat in a remote corner, turned his chair back upon them, placed his feet defiantly against the wall and smoked.

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refused them it wasn't her fault.

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"How about eight hundred?" shouted one of the compromisers.

His answer sounded like a series of grunts.

"That fellow! I wouldn't give him house room, let alone eight hundred dollars. He'd be expensive at eight cents."

Imprecations from the others. Decision over his shoulder from the immovable one.

A juror mounted a bench. "What am I bid for the heart of James Murray Mitchell?" he chanted.

"Seven hundred seventy-five dollars."

"Going at seven hundred seventy-five."

"Seven hundred fifty!" shouted another in the faint voice of one who hungered. All looked at the man who had turned his back upon them. Was hope father to the thought that his feet had slipped to a less defiant angle?

"Seven hundred thirty-five." The feet were slipping.

"Seven hundred twenty-five, seven hundred fifteen, seven hundred!"

The feet of the defendant one struck the floor with a thud.

"All right!"

He rose, stretched, uttered something that rhymed unmistakably with "Oh, well!" "I'm hungry," he went on. "This is not worth my losing my dinner. Give her a sympathy verdict, seven hundred, and let's go home."

And so, by the jurors' own tale, was the appraisal of the stock value of Mr. Mitchell's love made.