

for his own benefit, and of representing diseased lives as healthy and fit subjects for insurance. There is but a slight step between such a crime and the commission of murder; for where a medical man takes to gambling in human life, and acquires an interest in the speedy death of his patients, he may easily be tempted to add murder to fraud. It is therefore very desirable that in investigating the question of MR. WHALLEY'S guilt or innocence no pains should be spared, and that those who come to inquire into it should do so with unprejudiced minds. The accusation is as grievous a one as could well be made, but while that is a reason for the fullest inquiry, it also affords the most cogent argument for not presuming anything against the accused.

We are bound to confess that the mode in which the British Prudential Assurance Office carried on its business, and the agents whom it employed, both appear to have been well calculated to encourage frauds upon it. A person of the name of TAYLOR was the agent at Dewsbury, and he employed as a sort of sub-agent, one SUMNER. SUMNER seems to have been in the habit of signing MR. WHALLEY'S name to medical reports, and also of signing TAYLOR'S name to the agent's reports. He also was required to make reports saying that he had seen the persons whose lives were proposed for insurance, and that he considered them eligible, yet he himself said in his examination before the Magistrates that he had filled up perhaps twenty proposals in a week, and perhaps a score of the applicants had not been seen. This probably arose from mere gross carelessness, without any deliberate intention to defraud, but it certainly shows that one safeguard against frauds was entirely neglected by the Company's agents at Dewsbury. If SUMNER was in the habit, as he appears to have been, of signing the names both of MR. WHALLEY and of TAYLOR, and of not seeing the persons proposed for insurance, these circumstances opened a door for frauds of the most extensive character, and if many of the agents of the British Prudential took the same view of their rights and duties as did SUMNER that office must have been sadly cheated by sham insurers and insurances.

It would also appear from the evidence before the Magistrate that the office in question had been in the habit of paying claims on its policies, where those claims did not exceed £50, without any legal evidence that the claimant was really the representative of the assured. This appears to us to be a practice fraught with danger not merely to the assurance office, but to the lives and morals of the community. The law very wisely does not permit gambling in life insurances, and will not allow one man to insure the life of another in whose life he has no interest. Where A insures the life of B in the continuance of whose life he has no interest, the transaction is a mere wager with the insurance office upon the probability of A's death, and is therefore at best pure gambling. But there is a darker side to such a proceeding. As soon as the insurance is effected, B acquires an actual interest in A's death, which he may therefore be tempted to hasten.

It appears to us that the practice of gambling in life assurances, with its attendant risk of murder, is likely to be greatly facilitated if offices pay claims upon them without requiring the strictest proof that the claimant is the legal representative of the deceased. If they do not require such proof, and if in addition they employ such agents as SUMNER, gambling insurances are likely to be common enough, and murders, in order to reap their fruits, will not be infrequent. We fear that the laxity of practice in the British Prudential office is by no means exceptional, but that many other offices, in their anxiety to do business among the poorer class of the community, employ as agents men of very questionable fitness, and pay claims upon them without sufficient investigation. We know nothing whatever of the office in question excepting what we gather from the report of MR. WHALLEY'S case, and for anything we know to the contrary it is perfectly sound and respectable, but it is clear that its mode of doing business requires alteration both in its own interests and in those of the community.

The practice of life insurance has now become so common, and it is so highly beneficial, that every honest man is interested in seeing that it is not converted into an engine of fraud and does not become an incentive to murder. If the insurance offices exercised due caution in the selection of their agents and medical referees—if they ascertained at the time when each insurance was effected that the insurer had an interest in the continuance of the life insured and not in its termination—and if on the death of the insured they took proper steps to ascertain that the party claiming the money was really entitled to it—there would be little risk of anything like an extensive abuse of the principles of life assurance. In the present case, if the agent of the insurance office had performed his duty and seen the persons whose lives MR. WHALLEY is said to have insured, the fraud alleged to have been committed by that gentleman would have been simply impossible, because at a mere glance he must have seen that they were poor ailing creatures, whom no man in his senses could speak of as healthy or as fit subjects for insurance. The fraud attempted to be committed would have been at once discovered, and the agent, instead of reporting to his office that the lives appeared sound and good, would immediately have called their attention to the conduct of their medical referee in recommending for insurance persons who already had one foot in the grave.

ALLEGED FRAUDS ON AN INSURANCE OFFICE.

It is quite possible that the Mirfield surgeon who has been committed to take his trial for two alleged frauds on an insurance company may, upon that trial, succeed in establishing his innocence, or that the case for the prosecution may break down by its own inherent weakness. The mere committal of a prisoner by a magistrate only shows that in his opinion the circumstances are such as to justify him in sending the case to be tried and finally disposed of by a higher tribunal. Nor must the evidence given before the committing magistrate against the prisoner be taken to be absolutely true, or, if true, to be unanswerable by counter-evidence. Even where a prisoner is represented by counsel or attorney before the magistrate, his professional adviser, unless the case against him is absurdly weak, very wisely refrains from a lengthened cross-examination of the prosecutor's witnesses or from producing witnesses of his own. His duty is to protect his client, and that duty would be ill performed by disclosing his case to the prosecutor, or exposing the weak places in the case against the accused. He would thus enable the prosecutor to tinker up his own case, and to meet by additional evidence that to be made for the prisoner. Until, therefore, MR. WHALLEY has had an opportunity of clearing his character at the assizes it would be well for his neighbours and the world in general to suspend their judgment as to his guilt or innocence. Nay, we go further, as we are well justified in doing, and ask for him that he shall be considered innocent until it shall be fully proved that he is guilty.

The two resemblances which he is charged bear a very close resemblance to each other. In both cases he is accused of having represented to the British Prudential Assurance Company, of which he was the medical referee, that persons whose lives were proposed to be insured and whom he was then attending as a medical man, were in a good state of health, whereas in truth and in fact they were labouring under serious disease. This, it is said, he did without the knowledge of the persons insured, himself receiving the policies of insurance, paying the premiums on them, and intending to use them for his own benefit. It is almost impossible to conceive any charge of greater gravity against a person in MR. WHALLEY'S position, because it is a charge of abusing his professional status for purposes of the grossest fraud. An insurance office has a right to suppose that the medical man whom it employs will give a faithful account of the lives upon which he is called to report, and would hardly suspect that he could be guilty of insuring lives in which he had no interest