

died of. The prisoner replied that she had died of fever, and added that there were a great many cases at that time. He stated that the deceased's mother had requested him to take out a claim for her.

Mr. SEYMOUR.—Really, I must protest against my friend going into those minute details. Had the case been gone into, I could have made considerable abatements on the facts which are now stated; and as your Lordship has the depositions before you, I submit it is unnecessary for my friend to proceed in this manner. The prisoner has pleaded guilty, and has expressed the utmost contrition for his offence; and surely a statement so much resembling the opening of a case should not be allowed.

His LORDSHIP.—Really the Learned Counsel must be allowed to use his discretion in the matter. Everybody knows that you would not have advised the prisoner to plead guilty unless you had known that you could not induce a jury to believe that he was not guilty.

Mr. SEYMOUR.—Just so, my Lord. But these minute statements might have been altered more or less had the case been tried.

His LORDSHIP.—How can I tell more or less.

Mr. SEYMOUR.—This statement on the part of the prosecution is a most unusual one.

His LORDSHIP.—I must rely on Mr. Foster's discretion.

Mr. FOSTER.—I am strictly within the line of duty, and strictly within what I could prove. The prisoner filled up a medical certificate of the woman's death, and obtained from the agent a certificate to the effect that he was satisfied as to the claim. Having got those, he left the office, stating that he would post them that night. It appears, however, that they fell out of his pocket as he was getting out of his gig, and coming into the hands of a man who was passing by, they were published about Mirfield. Within a quarter of an hour after leaving Taylor's office he returned, stating that he had lost the documents, and wishing for fresh ones. A little girl was in the office when the prisoner called, and on his going out with the second documents, she made a communication to Taylor which induced him to follow the prisoner. He said to him—"What about this insurance on Hepworth; there was a girl in my office whilst you were there who tells me that this woman, whom you insured as in good health, has been ill for two years?" The prisoner replied—"You need not trouble yourself about the matter. I saw the mother last night, and we both came to the conclusion, as there was likely to be some bother about this insurance, to give up the policy, and not to claim upon it." He returned the policy and the claim to Taylor, who destroyed them. Had the case gone on, Hepworth's mother would have been called, and would have stated that the prisoner never saw her on the subject, and that she never knew of the existence of the policy. I will only say, in conclusion, that I am informed there are four other cases of a similar nature which could be brought against the prisoner.

His LORDSHIP then passed sentence. He said—You have been convicted of the misdemeanour of obtaining a valuable security from the society whose medical officer you were, under false pretences, and you have pleaded guilty to another indictment for a similar offence. It is the duty of the Judge, always at very considerable pain, to sentence hard working, labouring men for long periods of imprisonment for offences of various kinds, the object of those sentences being, not simply to punish them, but to prevent the commission of similar offences by other people. Those persons in humble situations of life are subject to many temptations to which persons in your position of life are not in the least exposed. They have many excuses for their conduct which do not apply to the misconduct of you and persons who are placed in society as you were. When a case of this kind does occur, when a gentleman who has been a member of an honourable profession misconducts himself so shamefully as you have done, it is absolutely necessary that a severe example should be made, for if that were not done the law would be fairly open to the reproach which is often heedlessly and untruly cast upon it—that it is one thing for the rich and another for the poor. I feel it my duty in this case to pass a severe sentence upon you. As far as this country is concerned, it will ruin you altogether; but I cannot help that,—you should have thought of it before. If you were a person in a low condition of life, the society which employed you would, as respects those offences, be more to blame than it really is, because they might fairly suppose that a gentleman of your position would be above temptations of this kind. No doubt their business was conducted in a very loose way, and I hope they will never appear in a court of justice again under the necessity of proving such lax conduct in the obtaining of insurances effected on their office as has been proved in your case. I will not detain you longer, or expose you more to public shame. The sentence of the Court is that for the first offence of which you were convicted yesterday you be *Imprisoned and kept to hard labour for Six calendar months*; and for the second offence, which is in many respects a much more serious one, that you be *Imprisoned and kept to hard labour for Nine months*, those nine months to commence at the expiration of the sentence passed upon you for the first offence.

In our report of the evidence given in this case by Mr. Ald. Day, of Dewsbury, that gentleman was made to state that, after the rumour regarding the theft of the malt, Dr. Whalley "visited with some of the best families in the neighbourhood." What Mr. Day said was that the doctor attended some of the most respectable families in the neighbourhood.

## THE ATTEMPTED FRAUDS BY A DEWSBURY SURGEON.

### SENTENCE OF DR. WHALLEY.

THOMPSON WHALLEY, surgeon, Dewsbury, who was convicted yesterday of obtaining a policy on the life of Law Walker, labourer, Mirfield, from the British Prudential Assurance Society on false pretences, was placed at the bar on a second charge of obtaining a policy from the same society on the life of Hannah Hepworth, Mirfield, on false pretences.

The prisoner intimated that he wished to plead *Guilty* to this charge.

The CLERK of ARRAIGNS.—Yesterday you pleaded not guilty to this indictment. Do you now wish to withdraw that plea and to plead guilty?

The prisoner.—I do.

Mr. SEYMOUR, Q.C.—In taking this step—the responsibility of which, for better or for worse, I must publicly share—the prisoner has acted upon my advice. He has placed himself in my hands, and I have advised him to plead guilty. In looking over the depositions which are on my brief, I find that the prisoner stated at the time he was taken into custody that he effected the assurance on the life of Hannah Hepworth for the benefit of the family. I have explained to the prisoner that taking that statement as proved to be true—and even assuming it to be true—it would be no answer to this charge, because by the act under which he is indicted, whether he obtained the policy for himself or whether he obtained it for another it was equally a misdemeanour in the eye of the law, provided the pretences under which he obtained it were false. The prisoner wishes me to state that he certainly did unfortunately and most wrongly fill up the statement which he now admits to be not strictly correct. He had made no examination whatever in her lifetime of the actual condition of his patient with a view to insurance, and acting hastily in an unguarded moment, he took a more favourable view of her case than he now feels he was justified in doing. She had two children. She had expressed a wish with regard to their future maintenance, and the prisoner is most anxious that I should tell your Lordship that although he admits he did wrong, he never intended to put one farthing of the money in his own pocket; but to put it, however unlawfully, into the pockets of the woman's family for their benefit. The prisoner also wishes me to state that the loose manner in which the business of the society was conducted, and the lax manner in which they accepted risky lives, was a great temptation to him to err in the manner he had done. Both offences I venture to suggest should really be interpreted as almost passages in the same transaction. They occurred at the same time; both forms were got together and filled up together. They were both part of the same folly and wrong; they were both done at the same time. I have but one word more to address to your Lordship. I have here a list of the members of the honourable profession to which the prisoner belonged, and to which your Lordship referred yesterday. Unfortunately, he belongs to that body no more, because a punishment far heavier than any your Lordship can inflict upon him as a professional and honourable man falls on him as a necessity from the conviction the jury announced yesterday. A conviction for misdemeanour wipes out and neutralises all his diplomas. I have here a long list giving a description of this prisoner. He is described as Thompson Whalley, Over Hall Cottage, Mirfield, Yorkshire, M.D. Erlang. (exam.), 1863, M.R.C.S. Eng., and L.M., 1855; L.S.A., 1855, (Leeds); medical and honours for midw., mat. med., med. jurisp., pract. of phys., anat., and bot.; Mem. Brit. Med. Assoc.; Dist. Med. Off. Dewsbury Union; late asst. and dresser, Leeds Gen. Infirmary. Author of Graduation Thesis—"De Indicationibus Therapeuticis ex Urinæ Symptomatologia Sumendis." *Lancet*, 1854; "On Morbid Growths in the Uterus," *Lancet*, 1854; "The Use of the Whalebone Hoop," *Med. Circ.*, 1855. All these honours and all these diplomas have a bar sinister put upon them for ever. Any punishment your Lordship may inflict will only add to the weight of what he is already suffering. His profession has gone; his wife and children share in his ruin, and he now throws himself, through me, on the mercy of the Court.

Mr. FOSTER.—I feel it my duty, as counsel for the prosecution, to lay before your Lordship a few of the facts of this case, which appears to me to be of a worse character than the one tried yesterday. Up to the period of the policy of insurance being obtained from Taylor, both cases are identical. The proposals were obtained at the same time, they were filled up at the same time, and sent to London at the same time. In the course of the week that ensued between the sending of the proposals to London and the receipt of the policies, the prisoner called at the office to inquire about them, and when the policies came he took them away with him. And now arises the difference between the two cases. At the time he obtained the policy in favour of Hannah Hepworth, he had attended her for eight months, during the whole of which time she had been in bed labouring under a most dreadful and painful disease, cancer of the rectum. He attended the case. He was not called in; but he went to the house and represented to Hannah Hepworth's mother that he thought he could do her daughter good. At that time she was attended by Dr. Ellis, but finding that the prisoner's visits were received he left. The prisoner continued his attendance, and had the case gone on it would have been proved that at the time he filled up the form the woman was dying of an incurable disease. In that proposal he represented that she was in good health, that she had not been ill for a long time, when she was troubled with cold, and that she was an insurable life at first-class rates. The fact of the policy having been got was never mentioned to the family at all; and my difficulty in the case would have been that the woman having given the prisoner any authority on the subject. At all events, it was never mentioned to any of the family.

Mr. SEYMOUR.—That is quite a mistake.

Mr. FOSTER.—Well, these are my instructions. The prisoner held the policy, and he paid the premiums on it. On the 6th of November this poor woman died, and two days after her death he hastened to the office and represented to Taylor that one of his Mirfield cases was dead. Taylor expressed some surprise, and asked what she had