

CORK ASSIZES.

*Jeffords, v. the Atlas Insurance Company.*

In this case it appeared, that the plaintiff had insured the life of his son, for a sum of £500; that he had an interest in the life so insured, and that by the decease of the son, he became entitled to the full sum of £500 insured. The defendant's case was, that although such insurance had been made as was stated, yet that notwithstanding, the person whose life had been insured had been subject to fits, an infirmity which was suppressed by the plaintiff at the time of making the insurance, and which consequently vitiated the policy. Mr. Gould in stating the defendant's case observed, that the plaintiff had contented himself with merely giving in evidence the interest which he possessed, that entitled him to raise an insurance upon the son's life, but that he had omitted to encounter the fundamental objection to paying the demand, and to show that there had been no misrepresentation made of the son's health at the time the insurance had been effected. He enlarged upon the nature and consequence of withholding such essential information as the true state of health of a party insured, inasmuch as the Insurance Company residing at a distance can have no cognizance of the condition of health of the insured, and must repose a confidence in the statement of parties applying to insure, which if abused in any degree, must partake of the nature of a fraud, and infect the whole transaction *ab initio*. It appeared that in the latter end of September, 1803, the insurance upon the life of the plaintiff's son had been effected; and the first witness for the defence, John Calanan, proved that early in the same month at Kinsale fair he had seen the deceased Jeffords in a fit.—The witness had some knowledge of medicine, which he practiced among the people of the country about Kinsale, and gave a satisfactory representation of the manner in which the deceased had been affected, and which the witness concluded to have been a fit of the epileptic sort. An uncle of this person upon whose life the insurance had been made, was produced on the plaintiff's side, to give testimony as to his general good health; but after a few questions and without any cross-examination, he admitted, that he heard it is said in his family that the deceased Jeffords, had been subject to fits. This testimony put an end to the case, and the Jury found accordingly for the defendant.

*From the Dublin Correspondent.*

THE CONVENTION ACT.

The following opinion, relative to the sound, legal, and constitutional construction of the Convention Act, is said to have been given by a man, whose opinion upon such a subject will be considered by most people as decisive, and whose character may bid defiance to the keenest and most envenomed shafts of calumny.—The addition of the name is not necessary to ascertain the person.—We understand it was given in answer to a case submitted on the part of a chief Magistrate of one of our principal cities who was desirous to know how he ought to act in case of any meeting taking place within his jurisdiction, for the election of Delegates to the catholic committee.

We insert it with a degree of pleasure, which arises from self-complaisance, because it confirms all that we have already said concerning the matter in question. After all, as infallibility is not an attribute of human nature, even ARISTOTUS may be in error; but in that case we shall say of him, what CICERO, with less reason, asserts of his attachment to the doctrines of another character: "cum eo errare mallemus, quam cum aliis recte sentire."

THIS OPINION IS AS FOLLOWS.

"If I had not read the Proclamation, and the chief Justice's warrant, I should with great confidence, have declared it to my opinion, that under a sound, legal and constitutional construction of the Convention Act, it is not illegal to assemble and appoint Delegates "bona fide" to prepare a petition to the King, or to Parliament, or to publish notices of such election, or to act "bona fide" in the character of Delegates for such purposes, and such purposes only.

"I should consider the provisions of the Convention Act, as levelled solely against assemblies, associated under pretence of petitioning, but really and in fact having other objects in contemplation, and pursuing

Taylor's 33th regiment, to Marcilla Jane, youngest daughter of the late Robert Lowndes, of Tammany, county Londonderry, Esq.—In Seagoe church, Mat. Forde, Esq. of Seaford, county Down, to Sophia, daughter of the Rev. Dean Blacker, of Carrick, co. Armagh.

DIED.—On Tuesday, at Castle Connell, after a short illness, Mrs. JOHNSON, wife of Wm. Johnson, of Graves, in this county, Esq.—whose character has been thro' life eminently distinguished by the exemplary discharge of every religious, social, and relative duty.—Piety towards God, and zeal for his honor, shone in her life with peculiar lustre; and were accompanied with liberal beneficence and charity towards a number of indigent fellow-creatures, by whom she will be feelingly lamented.—For the admirable discharge of the duties connected with the relations of wife, mother, and friend, she will ever live in the remembrance of her afflicted children, and will long retain a place in the memory of a numerous circle of relations, friends, and acquaintance. Her remains were this day conveyed, amidst the tears and sighs of a concourse of her nearest friends to be interred in the family vault.

DIED.—At the South Parade, Cork, on Wednesday last, the lady of Rowland Morrison Esq.—In Cork, Mrs. Grace Ruby, daughter of the late Wm. Ruby, of Mount Ruby, county Cork.—On Wednesday last, in an advanced age, Mrs. O'Leary, mother of Mr. Jeremiah O'Leary, of Bandon Road.

*At the particular request of several Families of Distinction, and positively the last Night,*

MR. WOOLF, MR. ISAACS, and the Misses ADAMS,

Will have the honor of performing the HARMONIANS,

At the ASSEMBLY-ROOMS, this Evening, (Friday.)

An Entertainment consisting of the most select and fashionable GLEES, DUETTS, SONGS, &c. of the most celebrated Composers, by Mr. WOOLF, Mr. ISAACS, & Miss ADAMS, and Dances by the Four Misses ADAMS.—To conclude with "God save the King."

Tickets to be had at the ASSEMBLY ROOMS, and at the OFFICE of this PAPER.—Price of Admission 3s. 4d.

Doors to be open at 7 o'Clock, and Performance to begin at 8 precisely. August 30.

TO BE LET,

From the 29th of September next,

OR THE INTEREST SOLD,

The Established Porter & Beer Brewery,

At the Bridge in the Town of RATHKEALE.

OF which there is a long Term of Years to run, with the extensive MALT HOUSE, MILL, and every necessary Convenience for Porter and Beer Brewing, in complete Order. The Purchaser can have the Casks, Drays, Carts, Horses, &c. at a Valuation, and a reasonable Time, if required, will be given for the Purchase Money. The Value of this Establishment is too well known to need any Comment. The present Proprietor will continue to carry on the Business until it is disposed of, with a view to maintain the Advantages hitherto attached to it unimpaired. Proposals to be made to Mr. THOMAS TIERNY, at the Brewery in Rathkeale; or to Mr. EDWARD TIERNY, Limerick.

Rathkeale, August 30.

In the Matter of KENNEDY RYAN,

A BANKRUPT.

TO BE SOLD BY AUCTION,

On Thursday, the 12th of September next,

AT THE ROYAL EXCHANGE, DUBLIN.

THE Bankrupt's Interest in the Lease of a HOUSE and CONCERNS, situate on Charlotte's Quay, in the Suburbs of the City of Limerick, consisting of a