

of *Assumpsit*. The late Mandeville Power, of the county of Wick, having been indebted in a sum of £100 to the plaintiff, a merchant tailor in this county, effected an insurance upon Mr. Power for the sum of £200 with defendant in Clonmel for the Westminster Insurance Company. The premium of insurance was £12s. 6d. on the 26th March, and defendant wrote to the plaintiff, acknowledging the receipt of £12s. 4d. for the insurance of Mr. Power for seven years, for £250 and engaged that the policy should be effected and policy money paid upon the 16th April following, the plaintiff meantime not having received the premium, as the Westminster Insurance Company would not effect the insurance, but would not assign any cause for the Commission to confirm their agents' report.

The plaintiff subsequently learned that Mr. Power had died suddenly, at an inn in Clonmel, a few days previous to the clerk calling on the plaintiff.

The plaintiff (K. C.) after the pleadings were read to the plaintiff to consider the insurance, and have it afterwards referred to the Reading Counsel, Mr. G. Bennett, who advised that Mr. Power was an insurable person, and that the plaintiff paid the premium; and that the defendant would pay the amount insured. This was rejected by the plaintiff, and a waiter, named Carlow, was produced, who had seen Mr. Power arrive at the inn in Clonmel in apparent good health, accompanied by a friend; that he dined upon roast chicken and potatoes, had half a bottle of sherry and brandy, and that he died the next day while sitting at the inn. That Doctor Stone, of Clonmel, called in, said Mr. Power died of apoplexy.

Dr. Colles was produced, and said that Mr. Power had been consulting him at the time the insurance was effected, and that at that time he was labouring severely with a fever; but was most afflicted with a cough, from which instant death was expected, as the heart might be expected to give way at any moment.

The defendant, agent to the Globe Insurance Company, having refused plaintiff insurance upon Mr. Power's life, in consequence of having seen a certificate of his state of health.

On the cross-examination of this witness by the plaintiff, it appeared that defendant lived in the neighbourhood of Mr. Power, and that he was well known of his state of health, and that the Westminster Insurance Office for which defendant was agent, had an insurance upon Mr. Power.

The Baron charged the Jury, that unless the plaintiff is of opinion, that defendant's letter, in the name of the Westminster Office, in relation to Mr. Power's life, was obtained by any fraudulent means, they should award to the plaintiff the amount of the insurance upon the policy, if given to him, and that the plaintiff is entitled to claim from the Commission that he did not think him entitled

to receive two or three men approaching, whom he challenged, and receiving no answer, retreated to the door, and called the guard, who, on turning out and pursuing, saw about twenty men running away, and getting into the large wood at Castle-Oliver, into which it was impossible to follow them with any prospect of success, but it cannot be doubted that these men had it in contemplation to surprize the military, whom they supposed to be but very few, in the absence of the patrol.

### PREMEDITATED MURDER.

On Wednesday evening, about seven o'clock, a most respectable farmer, named Callahan, residing near Galbally, in this County, on returning from the fair of Tipperary, was most brutally murdered within one mile of that town.—Some people in company with him were pelted with stones and forced to withdraw, and the murderers should effect their purpose.

He was on horseback, and a man of Mr. Massy's sitting behind him—this man was deliberately ordered to dismount and get away out of sight before they commenced the work of destruction. An inquest was to have been held on the body yesterday, but we have not yet learned the result.

Since our last we have ascertained the minute particulars respecting the Horrid Murder of one of the Police. The unfortunate man was quartered at Marybrook, in the Barony of Duhallow, and a short distance from Kanturk, to which place he was proceeding on Sunday evening, between three and four o'clock, when he was attacked at Ballyheen, by a party of Insurgents, who deprived him of his bayonet, the only arms he had, stabbed him through the heart with it, and literally beat out his brains with a bludgeon, which they left behind them; they then dragged the wretched man along the road and threw him into a ditch among a parcel of bushes. They robbed him of his watch, some money, and several articles he was bringing to Kanturk. On hearing the particulars of this dreadful occurrence, Mr. F. Crossley, Chief Constable of Duhallow, immediately set out from Marybrook, with a party of Police, and in the course of Sunday night apprehended Forty-one persons, some of whom were found in the very act of washing the blood of their victim from off their clothes.

Since writing the above, we have it in our power to state that one of the infamous party named Cremin, has turned approver, and has identified a number of the persons in custody, as being concerned in the diabolical murder.—It is a melancholy satisfaction to the ends of public justice, that the savages engaged in this demoniacal work of slaughter, are sure to atone with their lives: for independently of the corroborating testimony of the approver, we are credibly informed that there are sufficient facts to identify Fifteen of them as being engaged in it.

A paragraph appeared in our last (from a Correspondent) on the subject of sporting in "Cratloe Wood." Had we known the writer's motives, as we do now, it should not have had insertion; but, hurried as we were at the moment,

present the Rev. John Thomas O'Connell, united Rectories of Portloman and Clonsilla, vacant by the promotion of the Rev. John O'Connell to the Deanery of Cloyne.

The Rev. Dr. Lube is elected Rector of the Dean of Dublin, vice Hamill, deceased.

The Rev. James Duffy, P. P. of Clonsilla, is elected Vicar Capitular for the Union of Kilmacduagh and Killfenora.

On Tuesday, the 9th instant, the Rev. John O'Connell, of Killoscully, one denomination of St. John's, Newport, at a Vestry meeting, agreed with the Rev. John O'Connell, for the Tithes of that Parish, for a term of years, in manner pointed out in the 1st sec. of the Act 4th, Geo. 4th, cap. 12, relating to the publishing Composition for Tithes in the said Parish. The amicable manner in which this business has been effected, is to be hoped, will be an example to the remainder of the Union to follow.

The sittings of the Parliamentary Commissioners of Revenue Inquiry in Dublin, terminated this week.

A Memorial from the retail Spirit Dealers of Belfast, has been presented to the Treasury, praying for a reduction of the Duty, to which they are at present subjected. A Memorial was subscribed by upwards of 100 spirit dealers of Belfast, and we are informed that the prayer of the Memorial will be conceded, to a certain extent, after the 5th of January next.

The Postmasters-General have granted a gratuity of £50 for such information as may lead to the apprehension of the person concerned in the late attack on the Dublin Coach, near Cashel.

On Thursday, the Mayor held an inquest on the bodies of Walter Prendergast and John Fox, who came by their deaths at Clonsilla on Tuesday night, the former in Geary-street, and the latter in Nile-street. They were both in apparent good health during the day. Verdict in both cases, "Died of the Visitation of Almighty God."

The Mayor held an inquest in Geary-street on the body of Honora Lillis, who died of a fracture of her collar-bone by falling down a flight of stairs, she being in a state of intoxication at the time. Verdict accordingly.

The fair of Limerick, on Thursday, was an ensample of the late fairs, was an ensample of good demand and good prices—any shape of Beef was greedily purchased, and the sale were rather dull sale, and a damp day. The highest price was 32s.

The fair of Newcastle, held on Thursday, was attended by many purchasers of fat Pigs and parts. The sale of fat Pigs had been obstructed from the high price of Horned Cattle made but a poor appearance, supposed in consequence of the price of them being under seizure for rent.

A boy named Donnellan Cusser, who had eloped a few days ago from Limerick, with the amount of his wages of corn and pigs, which he conveyed to the market, and had