#### McFadden *et al. vs.* Jones *et al.*

The case of *Folsom v. Root, {ante, p.* 374,) affirmed on the principle of *stare decide.*

*By the Court,*

Bennett, J.

I have no doubt of the illegality and injustice of the judgment appealed from. But the case is not distinguishable from the case of *Folsom* v. *Root,* decided at the last term by a majority of the members of the court, myself dissenting. I suppose, therefore, that the judgment must be affirmed on the principle of *stare decisis.*

Ordered accordingly.