

Order of the Court.

Carlisle v. State, 32 Indiana, 55; *State v. Goode*, 24 Missouri, 361; *State v. Smith*, 5 Harr. 490; *Barnes v. State*, 5 Yerg. 186; *Covy v. State*, 4 Port. 186; *Wingard v. State*, 13 Georgia, 396; *State v. Warner*, 4 Indiana, 604. Indeed, an indictment charging the offence to have been committed in one town is supported by proof that it was committed in a different town within the same county, and within the jurisdiction of the court. *Commonwealth v. Tolliver*, 8 Gray, 386; *Commonwealth v. Creed*, 8 Gray, 387; *Carlisle v. State*, 32 Indiana, 55; *Commonwealth v. Lavery*, 101 Mass. 207; *People v. Honeyman*, 3 Denio, 121.

We do not wish to be understood as approving the practice that was pursued in this case, or even as holding that this indictment might not have been open to special demurrer for insufficiency as to the allegations of time and place, but upon motion in arrest of judgment we think it is sufficient.

The judgment of the court below is

Affirmed.

NEW YORK INDIANS *v.* UNITED STATES.

APPEAL FROM THE COURT OF CLAIMS.

Announced May 23, 1898.

The judgment and mandate in this case, 170 U. S. 1, are amended.

In this case it is ordered that the judgment and mandate be amended so as to read as follows:

“The judgment of the Court of Claims is therefore reversed and the cause remanded with instructions to enter a new judgment for the net amount actually received by the Government for the Kansas lands, without interest, less any increase in value attributable to the fact that certain of these lands were donated for public purposes, as well as the net amount which the court below may find could have been obtained for the lands otherwise disposed of if they had all been sold as public lands, less the amount of lands upon the basis of which settle-

Statement of the Case.

ment was made with the Tonawandas, and less the 10,240 acres allotted to the thirty-two New York Indians, as set forth in finding twelve, together with such other deductions as may seem to the court below to be just, and for such other proceedings as may be necessary and in conformity with this opinion."

HOLLOWAY *v.* DUNHAM.

ERROR TO THE SUPREME COURT OF THE TERRITORY OF OKLAHOMA.

No. 247. Argued May 4, 1898. — Decided May 23, 1898.

On an appeal from the judgment of the Supreme Court of a Territory, the findings of fact are conclusive upon this court.

One general exception to thirteen different instructions cannot be considered sufficient when each instruction consists of different propositions of law and fact, and many of them are clearly correct.

THIS action was brought in a district court of the Territory of Oklahoma to recover the value of certain goods sold and delivered by the plaintiffs (defendants in error here) to the defendant below, amounting to the sum of \$5004.58, the sales having been made between the 1st of November, 1890, and the 10th of March, 1891, and the defendant at the time of the sales being a resident of Fort Worth in the State of Texas. At the time of the commencement of the action plaintiffs also commenced attachment proceedings against the defendant on the ground that he was at that time a non-resident of the Territory of Oklahoma, and also on the ground that he was about to sell, convey and otherwise dispose of his property subject to execution, with a fraudulent intent to cheat, hinder and delay his creditors.

The defendant filed an answer, denying the plaintiffs' complaint, and also one denying each and every material allegation contained in the plaintiffs' petition and affidavits for an attachment.