

CASE No.
232

SOUTHERN DISTRICT

A LOT OF LAND IN
MONTEREY COUNTY GRANT

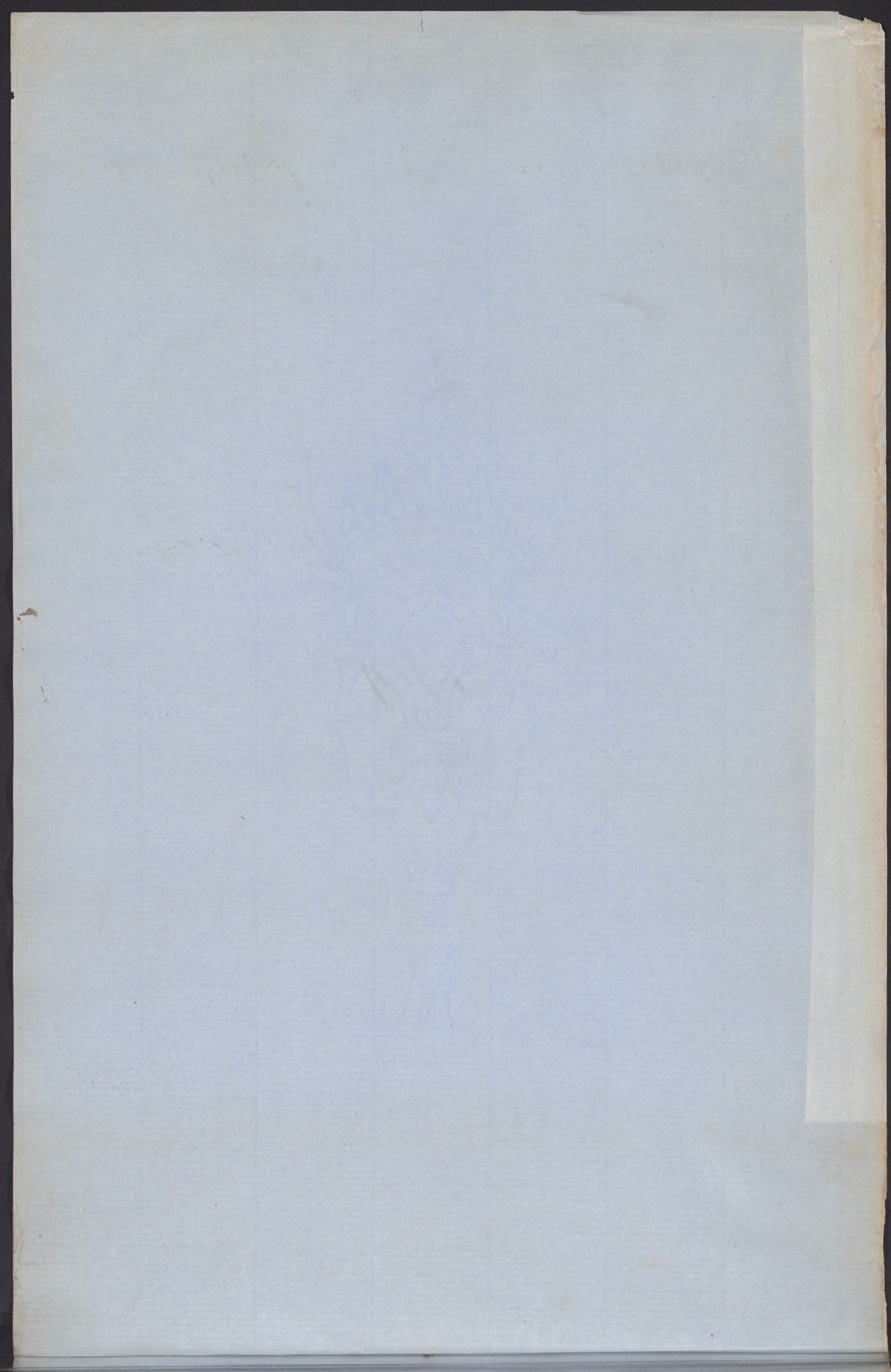
THOMAS BLANCO'S HEIRS
CLAIMANT

MAR 14 1963

32% COLLECTIBLE
BROKER BOND
Merrill Lynch



631



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PAGE 1

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 631.

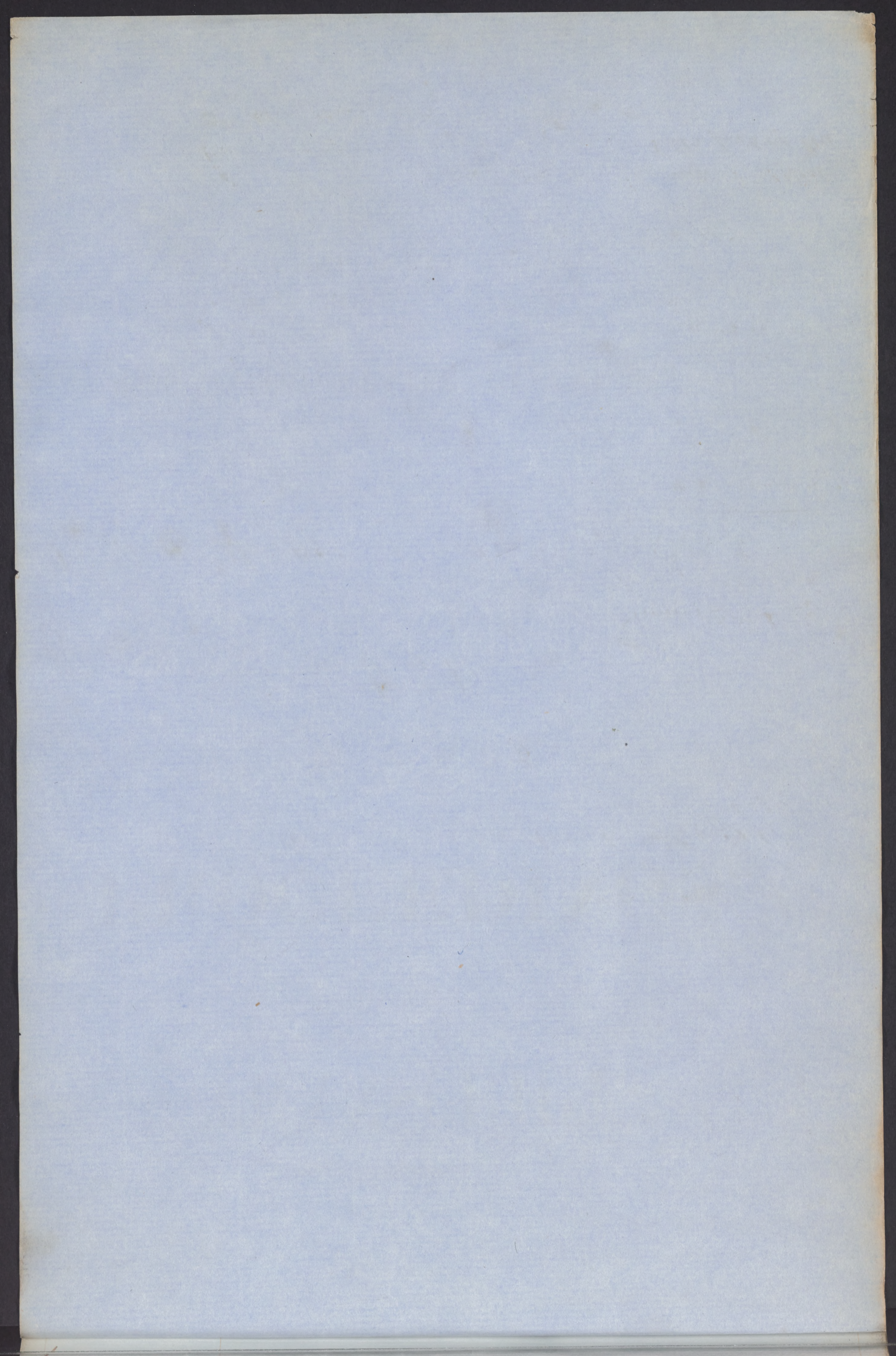
Thomas Blancis, Heirs CLAIMANT *S.*

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

A lot of land in Monterey County.



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this *twenty fifth day of February*, Anno Domini One Thousand Eight Hundred and Fifty-*three*, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

The Petition of *Thomas Blanco's Heirs*,
for the Place named

A lot of land in Monterey County
was presented, and ordered to be filed and docketed with No. *631*, and is as follows, to wit;

(Vide page *3* of this Transcript.)

Upon which Petition the following subsequent Proceedings were had in their chronological order, to wit;

San Francisco February 26 1853.

In Case no. *631*, *Thomas Blanco's Heirs* for a lot of Land in *Monterey County*, the deposition of *Manuel Castro*, a witness in behalf of the claimant, taken before Commissioner *Alvan Hall*, with document marked *N. H. A. 1*, annexed thereto, was filed.

(Vide page *5* of this Transcript)

San Francisco November 2 1853.

In the same Case the deposition of *Thomas Cole*, a witness in behalf of the claimant, taken before Commissioner *Robert A. Thompson*, was filed.

(Vide page *7* of this Transcript)

San Francisco December 5 1854.

Case no. *631* was ordered to be placed at the foot of the *3^d* class cases on the Trial Docket.

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San Francisco December 19th 1854,
Case no. 631 was submitted under the Rule of
March 21st 1854.

San Francisco December 26th 1854,
In the same case Commissioner Alpheus Felch delivered
the Opinion of the Board confirming the claim,
(Vide page 15 of this Transcript)
and the following order was made, to wit:
(Vide page 17 of this Transcript)

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576 1/2

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Petition

To the Board of Commissioners for ascertaining and settling private Land claims in the State of California
Your petitioner Charles G. Hansen Public Administrator of Monterey County California respectfully represents:

That Thomas Blanco deceased received a grant of Land of the extent of four hundred varas in latitude (N & S) by six hundred in longitude adjoining the Land of Thomas Cole, on the Northern Bank of the Salinas River, where the main road crosses said River, in the said County of Monterey;

That said grant was made by Manuel Michel Loren a Governor of California on the 27th of August 1844. That said Blanco took possession of said Land improved and occupied it until his death in the month of 1850: That said Blanco died intestate leaving legitimate children his heirs, all minors That your petitioner is the legal Administrator having charge of said Blanco's Estate: That in behalf of the said legal heirs of said Blanco, he prays that the said grant of Land, made as aforesaid may be confirmed by your Honble Board and general relief

As in duty bound &c.

P. Ord Atty for
Petitioner

Filed in Office Feby 25. 1853

Geo. Fisher

Secy

Recorded on Vol 1 of Petitions on page 630

Geo Fisher Secy

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Dep. of Manl
Castro.

San Francisco Feby 26. 1853

On this day before Comr Ireland Hall came Manuel
Castro, a witness in behalf of the claimants Thomas
Blanco's heirs, petition No. 631 and was duly sworn
his Obedience being interpreted by the Secretary —
The U.S. Associate Suro Agent was present

Questions by claimant.

Question 1. What is your name age and place of residence?
Answer. My Name is Manuel Castro My age
thirty One years and residence (Not given)

Question 2. Look at the Document Marked S. S.
No. 1 Now shown you purporting to be a grant of
Land of the date of the 27th of August 1844. and
State if the Signatures attached thereto are genuine?
Answer. I know the Signatures of Man-
uel Mechellona and Manuel Comeno upon said
Document. I have often seen them write and their
Signatures are genuine

Question 3^o. Did you know Thomas Blanco the person
mentioned in said Document, and if yes, do you
know anything about his occupying the Land
mentioned in said Document? (Not answered)

In answer to Enquiries by the Associate Suro Agent
the witness says the body of the grant is in the
hand writing of an Englishman named George
Allen who died four years ago or more —
Manl Castro

Sworn & Subscribed

Before me Ireland Hall Comr.

Filed in office Feby 26. 1853

Geo. Fisher Secy

Recorded in Ev B Vol 3 p. 614

Geo. Fisher Secy

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Blind-stamped

Office of the Board of Commissioners & & &

Deposition of Thomas Cole. This day before Commissioner R A Thompson came Thomas Cole a witness in behalf of claimants Thomas Blanco's Adm's No. 631 who after being duly sworn deposed as follows

Testimony on behalf of Claimant Present J. Ora Esq claimant's Atty & R Greenhew Esq Associate Law Agent.

In answer to questions witness states that his name is Thomas Cole his age forty three and residence Monterey Cal^a

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Question by claimant's Atty Did you know Thomas Blanco and if so, since when did you know him?

Answer. I knew him from 1842 to the time of his death in 1851

Question. State what you know in relation to his obtaining a grant of Land from the Governor of California & his Occupation & Cultivation of the same

Answer. I knew of his getting a grant of land from Gov. Mcchellorena in the year 1844. Near Monterey or Salinas River. It occupies a tract granted to me in 1842 to the North East immediately back from the River. My land is bounded on the South West by the Salinas River and to South East by the Old Road from Monterey to San Juan. Blanco's grant is bounded on the South West by my land and on the South East by the same Road. It runs 400 Varas in the name from my line and 600 Varas parallel with my back line in a westerly direction. The whole tract was enclosed by Blanco with a ditch which still remains

Immediately after getting his grant, he went upon the land, built a house and lived in it and cultivated the land until his death

Thomas Cole.

Sworn & subscribed before me
Nov. 1st 1852. R. A. Esq Thompson Com^r

Filed in Office Nov. 2. 1852. Geo. Fisher Secy

Recorded in Ev. B Vol 3 p 345 Geo Fisher Secy

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El Ciudadano Manuel Micheltrana, General
Doc H. H. A. de Brigada del Ejercito Mexicano; Ayudante de
Comandante Teniente de Capitan Mayor del mismo Gobernador
Depo of Man. Comandante e Inspector del Departamento
Castro before de las Californias.

Com. H. Hall

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(J^{to}) Por cuanto D. Tomas Blanco Mexi-
cano por naturalizacion a pretendido para
su beneficio personal y el de su familia; una
suerte de tierra de cuatrocientas Varas de lati-
tud y seiscientas varas de longitud en las
inmediaciones del terreno de Tomas Cole;
practicadas previamente las diligencias o
y averiguaciones concernientes segun lo dispone
esto por leyes y reglamentos, a nombre de la As-
samblada Mexicana he venido en concederle el ter-
reno mencionado sujetandose a la aprova-
cion de la Coma Asamblea Departamental
y a las condiciones siguientes

- 1.º No pueda venderlo ni enajenarlo, imponer
sino un vinculo franco, hipoteca ni otro gravamen
alguno ni doloarlo.
- 2.º No pueda cercarlo sin perjudicar las herre-
rias, caminos y cervidumbres.
- 3.º En virtud de este Despacho podra ocurrir
al juez respectivo para que haga el señalam-
iento y medicion correspondiente.
- 4.º Si contraviniere a estas condiciones perde-
ra su derecho al terreno y sera denunciabile
por otro.

En consecuencia mando toma
razon de este despacho en el libro respectivo
y se entregue al interesado para su resguar-
do y demas fines.

Monterey, 2^o de Agosto de 1844.

Man. Micheltrana
Man. Jimeno. S. no.

Filed in Office Kelly 26th 1853
Geo. Fisher Clerk

MS

[Faint, illegible handwriting covering the majority of the page]

Translation
of Doc. N. N.
no. 1 annexed
to the separation
of Manuel Castro,

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The citizen Manuel Micheltoena General of Brigade
of Mexico, Adjutant General of the Constitution of
(Plan de Mexico) the same. Governor Commandante
General & Inspector of the Department of California

Submo de pte
Seal
del de California
Whereas Don Thomas Blanco Mexican
by Naturalization, has asked for his pers
onal benefit and that of his family, for
a piece of land of four hundred varas in latitude
by six hundred in Longitude adjoining the Land
of Thomas Cole, having performed the necessary
requisites, in conformity to the Laws and regulations
and in the Name of the Mexican Nation, I concede
the Land mentioned, Subject to the approbation
of the Excellent Assembly of the Department Subject
to the following Conditions

- 1st He shall not sell give hypothecate or otherwise
encumber the same -
- 2nd He shall enclose it without prejudice to the
Rozas, paths and Sawtooths
- 3rd In virtue of this title he shall ask the respec
tive Judge, that the Land may be measured
& marked accordingly -
- 4th Should he violate these Conditions, he shall
lose his right to the Land & it may be denounced
by Others

Wherefore notice will take of this grant
in the respective Record & then it shall be deliv
ered to the grantee for his benefit
Monterey 27. of August 1844

(Signed) Manuel Micheltoena
(Signed) Manuel Jimeno
Secy

Filed in Office Feb. 25th 1853
Geo. Fisher Secy

Probate Court

Monterey County Aug. 29. 1850

In the Matter of
the Estate of Thomas
Blanco deceasedOrder of the
Probate Court,
Monterey Co.It is Ordered by the Court that the Public
Administrator of the County of Monterey take
possession and Charge of the Estate of Thomas
Blanco deceased, Deed of this CountyI do hereby certify that the foregoing is a true and
correct Copy of an order made on the 29th of Aug
1850 by the said Court, and I further certify that
Charles G. Harron was duly elected to the Office
of Public Administrator of the said County at an
Election held on the 7th day of September 1853
and by virtue of such Office he holds possession
of said Estate of Thomas Blanco deceasedGiven under my hand and Seal of said
Court affixed this 26th day of November 1853

{ L. S. }

J. H. Gleason
Probate Clerk

Filed in office Jan 10. 1854

Geo. Fisher Secy

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[Faint, illegible handwriting throughout the page]

Thomas Blanco's
 Administrators
 vs
 The United States

} For a piece of Land 400 by
 } 600 Varas in extent, in
 } Monterey County

Opinion.

A grant is given in evidence made by Governor Micheltorena to Thomas Blanco on the 27th day of August 1844. The premises granted are described to be a piece of Land four hundred Varas in latitude by six hundred in longitude adjoining the Land of Thomas Cole. By the testimony of Thomas Cole it is shown that said Blanco had his Land adjoining the Ullinesp's Residence and of the dimensions mentioned in the grant, enclosed with a ditch, which still remains, and that immediately after receiving his grant he built a house on it and resided on it and cultivated the Land until his death - The grant was evidently intended to cover the Land thus described and occupied by the grantee.

Blanco died in 1850, and from a certified copy of an Order of the Probate Court of the County of Monterey, it appears that Administration of the Estate was committed to the Public Administrator of the County and that he assumed that duty -

He is the petitioner in that Capacity, in the case. The authority of the Public Administrator over the property belonging to Estates committed to his charge is the same as in other cases of Administration; and we have before had occasion to hold that under the Statutes of California, the Administrator had authority under the Statutes of California, sufficient to enable him in his fiduciary Character to present a claim before this Commission and to receive a Confirmation of Land belonging to the Estate - The same principle applies in the case under consideration -

We think the claim is a meritorious one and shall enter a decree of Confirmation

Confirmed

Filed in Office December 26' 1854.

(Signed) Geo. Fisher, Secy

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Thomas Blanco's Administrators
vs
The United States

Decree.

In this case on hearing the proofs and allegations it is adjudged by the Commission the claim of the said petitioner, as the Administrator of Thomas Blanco deceased is valid, and it is therefore decreed that the same be confirmed.

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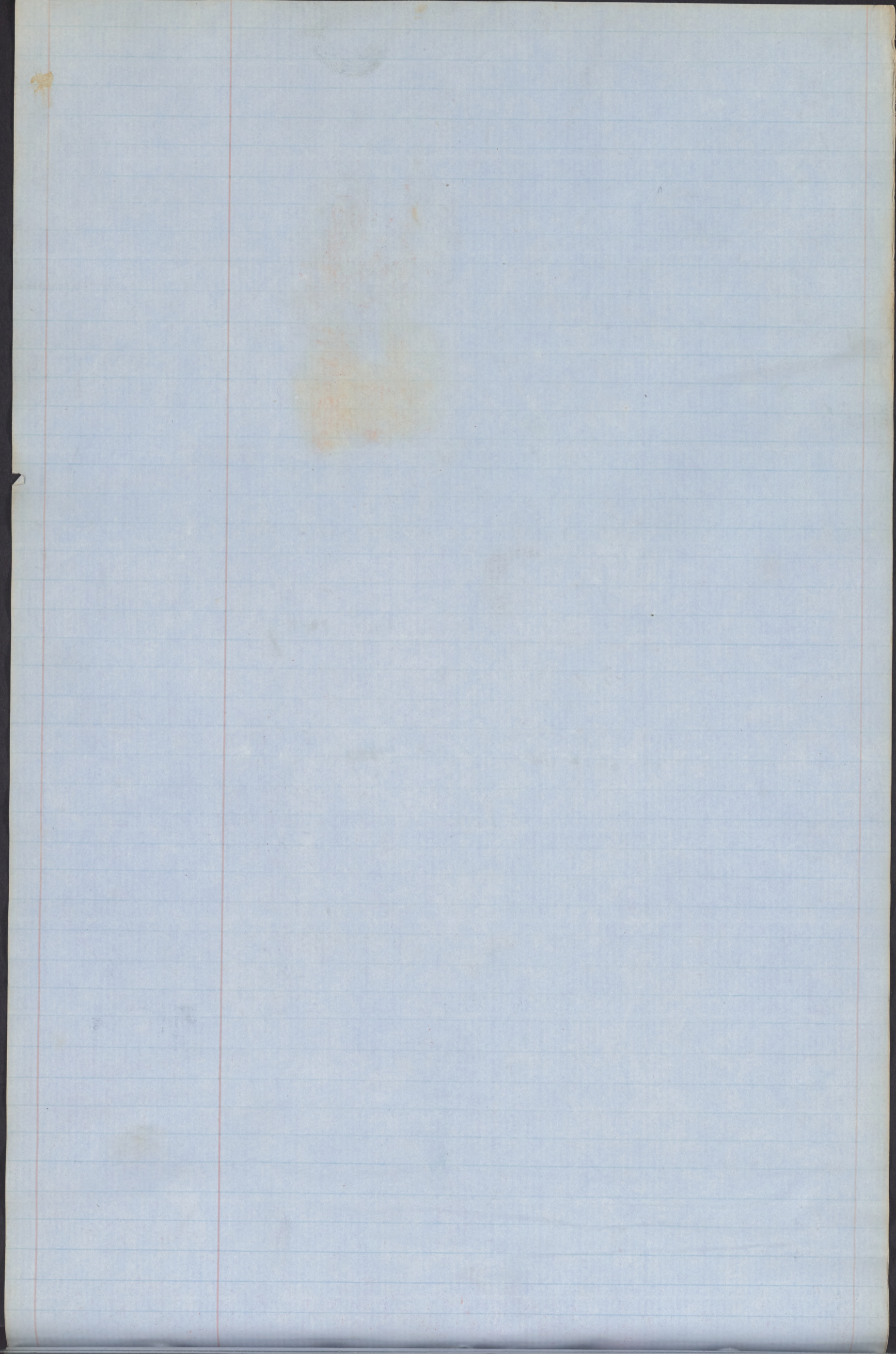
The Land of which confirmation is hereby made is situated in Monterey County and is the same occupied by said Blanco in his lifetime as his residence and is bounded and described as follows, to wit: Bounded on the South West by the Land of Thomas Cole and on the South East by the old Road from Monterey to San Juan; the said Land extending four hundred Varas on said Road from said Cole's Land and six hundred Varas parallel with said Cole's Back line in a westerly direction, the whole of said Land hereby confirmed being surrounded and enclosed by a ditch.

Alpheus Teich
R. A. Thompson
J. B. Farwell
Commissioners

Filed in Office December 26 1854.
(Signed) Geo. Fisher, Sec.

Order.

And it appearing to the satisfaction of the Board that the Land hereby adjudicated is situated in the Southern District of California It is hereby ordered that Two transcripts of the proceedings and decision in this case and of the papers and evidence upon which the same are founded be made out and duly certified by the Secretary one of which transcripts shall be filed with the Secretary Clerk of the United States District Court for the Southern District of California, the other be transmitted to the Attorney General of the United States.



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims in the State of California.

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I, *George Fisher* Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Seventeen* pages, numbered from
1 to 17, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
said Board, of the Documentary Evidence and of the Testimony
of the Witnesses, upon which the same is founded, on file in this
Office, in Case No. 631, on the Docket of the said Board,
wherein *Thomas Blanco's Heirs* are
the Claimant against the United States, for the place known by
the name of "A lot of land in Monterey
County."

In Testimony Whereof, I hereunto set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
Twenty fifth day of *May*
A. D. 1853, and of the Independence of the
United States of America the seventy-ninth



Geo. Fisher
Geo. Fisher

U. S. DISTRICT COURT

Southern District of California.

No. 232 - *Open*

THE UNITED STATES, **232**

vs.

Thomas Blanco's Heirs.

"Lot 232"

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *631*

Filed, *June 6th* 1855.

J. E. Farr.
C. R.

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No. 131

Office of the Attorney General of the United States,

Washington, 29 June 1855.

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631. "Lot of land in Monterey County"
Thomas Blanco's heirs claimants

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 14th day of June 1855, the appeal in the district court of the United States for the ~~Southern~~ district of California will be prosecuted by the United States.

Cushing

Attorney General.

No. 232.

*W. S. District Court
Southern Dist. of Cal.*

United States

vs

Thomas Blau's Heirs.

*Appeal notice in
Case no. 631.*

Filed Oct 4th 1835.

*J. C. Fen.
Clerk.*

In the District Court of the United States for the Southern District of California.

CITY AND COUNTY OF LOS ANGELES--STATE OF CALIFORNIA.

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Thomas Blanco. Heir of by Charles
S. Warren admr. *ad.*

Docket No. 232.

The United States. Appellant.

Transcript No. 630.

TO THE HON. ISAAC S. K. OGIER, JUDGE:

The Petition of ^{Cameron E. Thom,} ~~Pacificus Ord,~~ a resident of said City, County, and State, ^{acting} Attorney of the United States for the Southern District of California, who petitions in this behalf for the United States, and being present here in Court, in the name and behalf of the United States, represents as follows: That heretofore, to wit: on or about the 25th day of February A. D. 1853, ^{in behalf of} Charles S. Warren ^{publ. admr.} The Heir of Thomas Blanco

presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board, claiming a tract of land

_____ in the County of Monterey, State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the 26th day of December A. D. 1854, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 6th day of June A. D. 1855, a duly certified transcript of the proceedings and decision of the said Commissioners in said cause, and the papers and evidence on which the said decision was founded, was filed in the Office of the Clerk of the District Court of the United States for the Southern District of California, and marked No. 630,; reference to which it is prayed may be had and made part of this petition. That on or about the 14th day of June A. D. 1855, the Honorable Caleb Cushing, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and

evidence on which said decision was founded. That thereafter, to wit:
on ^{or about} the 4th day of October — A. D. 1855, the said
Attorney-General of the United States filed, or caused to be filed, in
behalf of the United States, a notice with the Clerk of said District
Court of the United States, that the appeal in said cause from the said
decision of the said Commissioners, in the District Court of the United
States for the Southern District of California, would be prosecuted by the
United States. Your petitioner further represents, that the land claimed,
as aforesaid, is situate in the Southern District of California, and within
the jurisdiction of this Honorable Court. Your petitioner further represents
and insists, that the said claim is invalid; and the said decision of said
Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for
many errors and imperfections of law and evidence, apparent in said certified
transcript of the proceedings and decisions of said Commissioners in said
cause, filed and appealed from as aforesaid. And your petitioner denies all
and singular, each and every allegation in the said petition of said claimants
presented as aforesaid to said Commissioners. And your petitioner further
denies that the said claimants ~~has~~ ^{have} any valid right or title to said land claimed
as aforesaid, or any part thereof.

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And no sufficient proof having been made of the allegations in said pe-
tition to said Commissioners, or in support of the said claim, no decision con-
firming the same should have been made by said Commissioners; but the

said claim should have been rejected by them. And the said claimants having no valid right or title derived from the Spanish or Mexican Governments, to the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by, and it now belongs to the United States, by virtue of conquest, and the Treaty of peace, friendship, limits and settlement, between the United States and the Republic of Mexico, made at the City of Guadalupe Hidalgo, February 2d, A. D. 1848.

Wherefore, the said ^{Cameron E. Thorn, Acting} ~~Pacificus Ord.~~ Attorney of the United States for the Southern District of California, for and in behalf of the United States, by reason of the premises, and in pursuance of the Act of Congress, entitled "An Act to ascertain and settle the Private Land Claims in the State of California," approved March 3d, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said claimants, or ^{their} ~~his~~ attorneys may be served with a copy of this petition; and that this Honorable Court will review the said decision of said Commissioners, and reverse the same; and decide on the validity of the ^{said claim,} ~~same,~~ and decree the alleged title to be invalid: with costs and general relief.

Cameron E. Thorn
Acting Attorney of the United States for
the Southern District of California.

N. 232.

C. E. Thom.

Filia Dec 26th 1854

Chris
Chick

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In the District Court of the United States
for the Southern District of California
Hon J. S. K. Ogden, Judge.

Thomas Blane's Heirs

Appellees.

N^o 232.

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ad

The United States, Appellant.

Case N^o 630.

The answer of Charles S. Harra, Public
Administrator, ~~for~~ and in behalf
of the

heirs of Thomas Blane, deceased, to the
petition for review of the United States,
Avers - That the title under which they
claim the land situate in Monterey County
Cal., is valid. And they pray that
the decision of the Board of Land
Commissioners be affirmed; and the title
of said claimants be deemed valid;
And general relief.

Myron Mottou
Att^y for Appellees.

N^o. 232.

Answer.

Filed this 2nd January
A. D. 1857
G. P. Wolman
Scrip

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DR
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California Land Claims.
Attorney General's Office,
24 Feb. 1857.

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Sr:

I enclose herewith, for your information, a report in the case of the Heirs of Thomas Blanco, (no. 631), and request you to dismiss the appeal if the claimants of record will by stipulation, as suggested in the report, change the form of decree so that the heirs may take instead of the administrator, in whose name the Commissioner confirmed the claim.

If such stipulation be not entered into, it will be proper that the appeal be further prosecuted by the United States.

I am, respectfully,

Yours,

Pacificus Ord Esq
U. S. Atty, Los Angeles.

No. 232

↓ Filed this 4th March 1858
for 8th June 1857

Wm. C. C. C.
J. M. Coleman
Dep.

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Dist. Court of the
United States
Southern District of
California

Heirs of Tho. S. Blanco
vs
The United States

Order dismissing appeal

✓ filed 8 June 59
W. Taylor
SPT CLK

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In the District Court of the
United States for the Southern
District of California =

The Heirs at law of Thomas Blanco,
Appellee } No. 232

vs
The United States }
Appellant } transcript
} No. 630 }

Notice having been received from the Attorney
General of the United States that it is not
the intention of the United States to prosecute
further the appeal in this case - It
is hereby stipulated that an order
of this Court may be made dis-
missing the appeal now pending
in this Court in this cause, and
allowing the claimants, said Appellees,
to proceed under the decision of
the Board of Land Commission-
ers heretofore rendered, as under
a final decree

F. Ord
atty. gen. U.S.

D. P. Ashley
Atty. for }
Claimants }

District Court of the
United States

Southern District of
California

Heirs of Tho. S. Blanco
vs
The United States

Stipulation

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W. S. Jones
Atty for
Opp. etc.

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In the District Court of the United
States for the Southern District of
California -
Monterey June Term 1857

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Heirs of Thomas Blanco by Charles
G. Harron } Appellants } No. 232

^{vs}
The United States } Appellant } Transcript No. 630

On motion of Appellants, P. Ord, District Attorney appearing
for the United States, it is ordered that the title
of this cause be changed and amended to
read "The Heirs at law of Thomas Blanco, deceased
appellants vs. The United States Appellant."
Samuel K. Ogden
U S Jm Judge

Dist. Court of the
United States

Southern District of
California

Mrs of Tho. Blanco
vs
The United States

Order changing title.

Filed & served
at Taylor
off ch

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In the District Court of the United
States for the Southern District of
California

Monterey June Term 1857

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Heirs of Thomas Blanco by Charles
G. Harrison } Appellees } No. 232

^{vs}
The United States } Appellants } Transcript No. 630

D. R. Ashley, Attorney for Appellees, in this cause
moves the Court that the title of this cause
be so amended and changed as to read
"Heirs at law of Thomas Blanco, deceased
Appellees - vs The United States -
Appellant"

Dist. Court of the
United States

Southern District of
California

Heirs of Planas
vs
The United States

Motion to amend title

Filed June 17
At San Francisco
By C. H.

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