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This Indenture, Made this the 3rd day of April in the Year of our Lord one
 thousand eight hundred and sixty five Between William Smith of Fort
 Sonoma County California party of the first part and F. H. Chittick
 and J. L. Bonie of the City of Petaluma County and State before mentioned
 Witnesses That the said parties of the first part for and in consideration of the
 sum of one dollar in hand paid the receipt whereof is hereby acknowledged
 and the further consideration of the delivery to him by said parties of the second
 part of one tenth of any and all coals Petroleum and other Minerals
 obtained by them on the demised premises, has given and granted and by
 these presents does give and grant to the said parties of the second part
 That he assigns the exclusive right to prospect for coal, Petroleum and
 all other Minerals and to work for the same when he finds on the
 whole half of the Rancho de Morrey, situated in the County of Sonoma
 State of California - said Rancho being bounded on the South by Russian
 river, West by the Pacific Ocean, North by Timber Cove and Easterly by
 government lands for the term of ten years from this date with the privilege
 to said parties of the second part for ten years more if by them deemed
 desirable - The said parties of the second part to have hold and work
 any and all Mines, Wells &c of the Substances hereinbefore enumerated
 which may be found on said Tract of land for the said term of ten years
 and the further term as before mentioned, Also the said parties of the first
 part is to permit and allow said parties of the second part to cut and
 use any timber off of said Rancho which may be needed for prospecting
 or working for said Substances heretofore enumerated without charge
 save and except firewood, as well as the privilege to build houses wharves
 roads &c which may be needed upon said lands and to use and occupy
 said Wharves and roads jointly without remuneration from one to the
 other, but the parties of the second part are not to build any tavern
 or public house on said lands without permission in writing from said
 party of the first part. The parties of the second part agree to deliver
 the said one tenth 1/10 of any and all coal, Petroleum or other Mineral
 substances that may be by them obtained on the land before described
 to the said party of the first part, as follows, viz if coal or any other
 Mineral at the mouth of the Mine from which it is taken, if oil, after it
 shall have been refined by the parties of the second part and at the refining
 place on said Rancho de Morrey, but the party of the first part agrees
 and is to furnish the Casks to contain the same and the parties of the
 second part agree to make and to furnish the Casks to contain the same before any such shipment by said parties of the second part.

It is further agreed by and between said parties that if said parties
 of the second part shall fail for six consecutive months to prospect for

said substances, or work said Mines or Wells after said substances have been found, then and in that case this contract or instrument shall be void and of no effect. And it is further agreed that the work of the said parties of the second part shall not interfere with or injure the improvements of the party of the first part without his special permission to do in writing. It is further agreed by and between said parties that at the expiration of this contract and the privilege thereunto annexed the buildings, wharves and roads shall remain and rest in the party of the first part without any further consideration, save and except Machinery and Moveable property which is to be the property of the parties of the second part.

In Witness Whereof the said parties have hereunto set their hands and seals the day and year above written.

at

D. D. Gardner 3

Wm. Benitz (Sd)

Frank H. Shattuck (Sd)

J. L. Bonds (Sd)

State of California,

County of Sonoma.

on this the 3rd day of April A.D. one Thousand Eight Hundred and Sixty Six before me, D. D. Gardner, a Notary Public in and for said County, duly commissioned and sworn, personally appeared Wm. Benitz, F. H. Shattuck and J. L. Bonds to me personally known to be the individuals described in and who executed the annexed Instrument and acknowledged to me that they executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand, and affixed my official Seal, the day and year in this Certificate first above written.

D. D. Gardner Notary Public,

Filed for record at request of Wells Fargo & Co.

April 4. 1866 at 10 o'clock and 5 min. A.M.

Thomas H. Bryant Recorder Sonoma Co.

And Recorded April 4. 1866 at 3 o'clock P.M.

Chas. H. Bryant Recorder Sonoma Co.

J. L. Bonds deputy