

This 21 day of Novbr. in the year one thousand eight hundred and sixty three the following agreement has been made between Mr. Benitz of Fort Ross, Sonoma County, State of California party of the first part, and A. Morstadt, C. Pochlman and C. Tempel as trustees of the Fort-Ross-Coal-Mine Co. all of Petaluma, Sonoma County, State of California, parties of the second part, to viz:

That the said party of the first part, his heirs and assigns, grants and gives to the said parties of the second part, their heirs and assigns, in consideration of one tenth of the proceeds; the only right to prospect for coals on the Southern half of his Ranch. Moony, commencing at the Russian River for the term of ten years, to have and to hold any coal mine, which might be found on that tract of land for the said term, also permits the party of the first part, his heirs and assigns, any timber which is needed for the carrying on of the mine to be cut on his lands without any further remuneration, as well as the privilege to build houses, wharves, roads etc. needed for that purpose; but the first party does not allow the building of any tavern, or public house without his special permission. The before mentioned tenth part is to be delivered to the first party at the mouth of the mine from which the expenses for sending them to the market, has to be paid by the first party.

Whenever the Comp. does not work the mine in course of six months this contract shall be null and void.

In Witness whereof I have set hereunto my hand and seal this day and year above written.

as witness


(L.S.) Wm. Benitz

(L.S.) Isaac Bernhard

(L.S.) Charles Hewitt

State of California,)
County of Sonoma)

on this twenty third day of November A.D. one thousand eight hundred and sixty three before me, Joseph Chandler a Justice of the Peace in and for said County, personally appeared Isaac Bernhard, personally known to me to be the same person whose name is subscribed to the annexed instrument as a witness thereto, who being by me duly sworn deposed and said, that he resides in the township of Petaluma in said Sonoma County that he was present and saw Wm. Benitz known to him to be the person described in and who executed the annexed instrument, as a party thereto, sign, read, and deliver the same; and that he, the deponent, thereupon signed his name as a subscribing witness thereto. In Witness whereof, I have hereunto set my hand and affixed my official Seal, the day and year first above written.

Josiah Chandler 
 Justice of the Peace
 of Sonoma County

Filed for Records at my: of Wells Fargo & Co. Dec: 17th A.D. 1863
 at 10 O'clock and 30 min: A.M.

Thomas H. Pyatt County Recorder Sonoma Co.:
 And Recorded Dec: 18th 1863 at 12 O'clock P.M.

Tho. H. Pyatt Recorder Sonoma Co.
 J. W. Bonded Recorder