

Thomas Withend
To

James Allen
J. T. Cabret

Lease.

This Indenture made this Second day of November A.D. 1877 by and between Thomas Withend of Eureka County State of Nevada, the party of the first part and James Allen and John T. Cabret of the same County and State the parties of the second part Witnesseth: That for and in consideration of the covenants and agreements hereinafter contained on the part of the second parties, the first party has leased let and demised unto the second parties the following described Mines and Mining Claims for the full period of six months from the date hereof, That is to say, The Tip Top Mine and the Commit Mine both of which mines are situated on the Western slope of Prospect Mountain near the summit in Eureka Mining District Eureka County Nevada. To have and to hold the same together with all tools implements and appurtenances now thereon during the full period of this lease, and it is further understood and mutually agreed between the parties thereto, that in consideration of the said second parties taking this lease and working at least two men constantly on said leased premises that they the second parties are to have all the ore extracted therefrom subject however to the following express understanding That in case a considerable body of ore is struck in either of said Mines during the continuance of this lease there it shall be optional with the first party to have the same remain in the mine in place and pay in coin or in such manner as the parties hereto may agree upon, such sum or sums as to disinterested Miners may say such body of ore would be worth to the second parties if the same were extracted one of said referees to be chosen by each party to this lease, and if said two referees can not agree they shall choose a third referee and he shall decide between them and the said second parties agree to work constantly on said Mines unavoidable causably excepted with at least 2 men, and to work said mines in a good and miner like manner and not to gouge the same and to quit and surrender up the possession of the said property to the first party at the termination of this lease in as good condition as it now is, ordinary working, and extracting of ore and the wear and ~~tear~~ thereby excepted and it is further agreed that the said second parties shall not be bound to work on said

Mines for the full period of six months but may quit the same if after trial they shall deem it unexpedient to work longer but in that case shall forfeit the work done under this lease but the second parties shall have the privilege of the full six months if they so choose.

Signed this 2^d
day of Nov 1877

Thos Wethered
J. T. Galvert
James Allen.

Recorded at the Request of Thos Wethered November 10th 1877 at 35 min past
10. A.M. R. L. Chace Recorder by Let Henry Deputy