

event that there is a permanent voluntary cessation of operation for a period of one (1) year after commencement of operations, then this Lease shall terminate".

Said Lease among other things also states: "In the event any mining is developed on this land in commercial quantity, the Lessors shall receive, as a royalty five (5) per cent of the gross profit of all minerals sold, which royalty payments shall be made three (3) months after minerals are sold and paid for."

Said Lease among other things also stated: "This Lease shall be and remain in full force and effect for fifty (50) years from its date and that at its expiration, the Lessee, the assigns or successors shall have the right to a renewal of this Lease for another fifty (50) years, from its date of expiration, but in the event there is a cessation of operation, as above provided for, or should the Lessee fail to make royalty payment, as herein agreed, then this Lease shall be null and void and of no legal effect." etc.

Fourth: That your Complainants predecessor in title to said real estate, Fannie I. Six, received One (\$1.00) Dollar in cash, as consideration for the execution of said Lease; that your Complainants predecessor in title, received no further or other consideration for said leasing from the time of the execution of said Lease up to and including January 21, 1956, the date which the said Fannie I. Six conveyed her right, title and interest in said real estate unto your complainants, and that your Complainants have never received any consideration by way of royalties of said Lease.

Fifth: That no mining work of any kind has been conducted by the Lessee, the Defendant herein, or by anyone on said leased premises for a period of at least ten (10) years last past; that the so called mining area on said farm and premises consists of an area of about 20 square feet which is covered with weeds and brush and has been so for many years last past; that there exists an excavation in the above mentioned mining area, but this excavation was made many years prior to the date of the Lease in question.