

And the said party of the second part expressly agrees that should he or his sublessees, heirs, executors, administrators, or assigns, violate any of the covenants stipulations or provisions of this lease, or fail for the period of sixty days to pay the stipulated monthly royalty, provided for herein then the party of the first part shall be at liberty in his discretion to avoid this indebtedure of lease and cause the same to be annulled when all the rights, franchises, and privileges of the party of the second part, his sublessees, heirs, executors, administrators, successors or assigns hereunder shall cease and end, without further proceedings.

If the lessee makes reasonable and bona fide effort to find and produce oil in paying quantity as is herein required of him and such effort is unsuccessful he may at any time thereafter, with the approval of the secretary of the interior surrender and wholly terminate this lease upon the full payment and performance of all his then existing obligations hereunder, provided, however, that approval of such surrender by the secretary will be required only during the time his approval of the alienation of the land is required by law.

It is further agreed and understood that this lease shall be of no force or effect unless the party of the second part shall, within sixty days from the date of approval of the application filed in connection herewith furnish a satisfactory bond in accordance with the regulations of March 20, 1905, prescribed by the Secretary of the Interior, which shall be deposited and remain on file in the Indian office, during the life of this lease.

In witness whereof the said parties have hereunto subscribed their names and affixed their seals on the day and year first above mentioned.

Julia Johnston, (seal)  
Guardian of the person and estate of William  
P. Johnston, a male minor (Sticker seal)

Cyrus S. Avery.

Two witnesses to execution by lessor:  
William B. Wyly, P.O. Tahlequah, Indian Territory.  
Bessie England, P.O. Tahlequah, Indian Territory

Two witnesses to execution by lessee  
Addis A. Brown, P.O. Vinita, Indian Territory  
Seymour Riddle, P.O. Vinita, Indian Territory?

#### Acknowledgment.

United states of America, Indian Territory, Northern Judicial District, SS.

On this 24th day of April A.D. 1906, before me, a Notary Public within and for the Northern Judicial district of the Indian Territory appeared in person Julia Johnston, guardian of William P. Johnston, Jr. to me personally known to be the person whose name appears upon the within and foregoing oil and Gas Mining Lease, as the party lessor, and stated that she had executed the same for the consideration and purposes therein mentioned and set forth and I hereby so certify.

In testimony whereof, I have hereunto set my hand and affixed my seal as such Notary Public in the Northern District of the Indian Territory, on this 24th day of April A.D. 1906.

(seal)

A.A. Taylor, Notary Public

My commission expires June 11, 1908.

#### AFFIDAVIT OF WITNESSES.

United states of America, Indian Territory, Northern Judicial District, SS.

William B. Wyly of Tahlequah, Indian Territory, and Bessie England of Tahlequah, Indian Territory, witnesses to the foregoing and attached oil and gas mining lease, executed by Julia Johnston Guardian of William P. Johnston, Jr. to Cyrus S. Avery, being by me first duly sworn upon oath state each for himself. That they