

agrees that should he or his sublessees, heirs, executors, or administrators 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 her discretion to avoid this indenture 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, or administrators hereunder shall cease and end without further proceedings.

If the lessee make 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 May 4, 1903, 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.

All alterations and erasures made before signing.

her  
Quaty ~~+~~ Tyner, (sticker seal)  
mark  
Edgar W. Clark, (Sticker seal)

Two witnesses to execution by lessor  
James T. White, P.O. Turley, Ind Ter.  
Robert E. Suage, P.O. Collinsville, Ind Ter

Two witnesses to execution by lessee.  
Albert B. Bates, P.O. Kansas City, Mo.  
Carl Dennis, P.O. Kansas City, Mo.

#### AFFIDAVIT OF WITNESSES.

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

James T. White, of Turley, Ind. Ter and Robert E. Suage, of Collinsville, Ind ter. witnesses to the attached mining lease executed by Quaty Tyner to Edgar W. Clark of Kansas City Mo. being by me duly sworn, upon their oaths, each for himself: That said lease was in their presence read and fully explained to the lessor and that she understood the nature, contents and effect thereof and approved of the same.

All alterations and erasures made before signing.  
Subscribed in my presence and sworn to before me this 2d day of Sept. 1904  
(seal) Robert E. Suage  
James T. White  
G.S. Hill, Notary Public  
My commission expires March 25th, 1907.

#### CERTIFICATE OF OFFICER TAKING ACKNOWLEDGMENT

UNITED STATES OF AMERICA INDIAN TERRITORY NORTHERN JUDICIAL DISTRICT SS.

I G.S. Hill of Bartlesville, Ind. Ter. a notary Public within and for the Northern District of the Indian Territory, do hereby certify that James T. White of Turley Ind Ter. and Robert E. Suage of Collinsville, Ind. Ter. witnesses to the attached lease, executed by Quaty Tyner to Edgar W. Clark of Kansas City Mo. signed the same in my presence at the request of lessor; *that they are personally well known to me, that I know of my own knowledge* that they are reputable persons and entitled to full faith and credit.

Witness my hand and seal as such Notary Public on this 2d day of Sept. 1904.  
(seal) G.S. Hill, Notary Public.  
All alterations and erasures made before signing.  
My commission expires March 25th, 1907.