

If the lessee makes reasonable and bona fide effort to find and produce oil in paying quantity as is herein required of it and such effort is unsuccessful, it 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 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 part 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.

attest:

*Corporate Seal*

*George Merrell*

*Sumner Oil Company*

*By Emanuel Harsh Secy. & Treas*

Two witnesses to execution by lessor:

*James W. Inley*

P. O. *Tulsa, D. I.*

*John E. Pearson*

P. O. *Tulsa, D. I.*

Two witnesses to execution by lessee:

*John E. Pearson*

P. O. *Tulsa, D. I.*

*James W. Inley*

P. O. *Tulsa, D. I.*

P. O.

P. O.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western Judicial District, ss.

ACKNOWLEDGMENT.

On this *17th* day of *January*, A. D. 190*6*, before me, a Notary Public within and for the *Western* Judicial District of the Indian Territory, appeared in person *George Merrell*, to me personally well known as the person whose name appears upon the within and foregoing Oil and Gas Mining Lease, as the party lessor, and stated that he 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 *Western* Judicial district of the Indian Territory on the *17th* day of *January*, A. D. 190*6*.  
My commission expires *May 6, 1908*. *Randolph Shirk* Notary Public.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western Judicial District.

AFFIDAVIT OF WITNESSES.

*James W. Inley* of *Tulsa, Indian Territory* and *John E. Pearson* of *Tulsa, Indian Territory* witnesses to the attached mining lease executed by *George Merrell* to *Sumner Oil Company*, being by me first duly sworn, upon their oath state, each for himself: That said lease was in their presence read and fully explained to the lessor, and that *that he saw the lessor subscribe and execute the said lease, that the same was read and explained to the said lessor in their presence, that the said lessor stated that he understood the nature and effect of the said lease and approved of the same, and that he signed the said lease as witness at the request of said lessor.* *James W. Inley*  
*John E. Pearson*  
Subscribed in my presence and sworn to before me this *17th* day of *January*, A. D. 190*6*.  
My commission expires *May 6, 1908*. *Randolph Shirk* Notary Public.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Western Judicial District.

Certificate of Officer Taking Acknowledgment

I, *Randolph Shirk*, a Notary Public within and for the *Western* District of the Indian Territory, do hereby certify that I am personally well acquainted with the said *James W. Inley* and *John E. Pearson* subscribers of the attached lease, executed by *George Merrell* to *Sumner Oil Company*, and that said witnesses are reputed persons and entitled to full faith and credit.

Witness my hand and seal as such Notary Public this *17th* day of *January*, 190*6*.  
*Randolph Shirk* Notary Public.  
My commission expires *May 6, 1908*.

DEPARTMENT OF THE INTERIOR, U. S. Indian Service, Union Agency.

Muskogee, I. T., *Nov 8 1906*, 190*6*. The within lease is forwarded to the Commissioner of Indian Affairs with recommendation that it be *approved*. See my report of even date.  
*Dana H. Kelsey* U. S. Indian Agent.

DEPARTMENT OF THE INTERIOR, Office of Indian Affairs.

Washington, D. C., *Nov 20 1906*, 190*6*. Respectfully submitted to the Secretary of the Interior with recommendation that it be *approved*.  
*C. F. Larrabee* Acting Commissioner.

DEPARTMENT OF THE INTERIOR.

Washington, D. C., *Dec 20 1906*, 190*6*. *Approved*  
*Jesse C. Wilson* Assistant Secretary of the Interior.

Filed for record at *Tulsa* *Jan 26* 190*7* at *10<sup>30</sup>* o'clock *A. M.*

*Otis Lorton*  
Deputy Clerk and Ex-Officio Recorder.