

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 its 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, proscribed 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.

(Corporate Seal)

Willis M. Pherson (wafer) Seal
 The Smithwestern Oil, Gas & Coal Co., Inc., J. J. Marx, President (Seal)
 J. D. Cox, Secretary (wafer) Seal

Two witnesses to execution by lessor: *James M. Oglesby*

Charles Clark

P. O. Oologah, I. T.

P. O. Hadley, I. T.

Two witnesses to execution by lessee:

Elmer L. Foster

James M. Oglesby

P. O. Independence, Kansas

P. O. Oologah Indian Territory

P. O.

P. O.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
 Northern Judicial District,

ACKNOWLEDGMENT.

Be it Remembered, that on this day come before me, the undersigned

On this day of A. D. 1904,

before me, a Notary Public within and for the Northern Judicial District of the Indian Territory, appeared in person *Willis M. Pherson, of Oologah Indian Territory*, 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

4th day of June, A. D. 1904

(Seal) Northern District, I. T.

My commission expires May 17th, 1908

O. E. Drake

Notary Public.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
 Northern Judicial District,

AFFIDAVIT OF WITNESSES

Proof of Lease by Subscribing Witnesses. On this 4th day of June A. D. 1904, before me, a Notary Public within and for the Northern District of the Indian Territory, personally appeared *James M. Oglesby of Oologah, Indian Territory*, and *Charles Clark of Hadley, Indian Territory*, who being first duly sworn according to law, stated each for himself and that *Willis M. Pherson, of Oologah Indian Territory*, lessor in the foregoing *Oil and Gas Mining Lease*, witnesses to the attached mining lease in which it is stated that the said mining lease was read over and explained in their presence to the said lessor, who stated that he understood and approved the same and executed by acknowledged that he had subscribed and executed said mining lease for the uses and purposes therein expressed, being by me first duly sworn, upon their oaths state each for himself. That said lease was in their presence read and fully explained to the lessor, and that

understood the nature, contents and effect thereof and approved the same.

Subscribed and sworn to before me on this 4th day of June A. D. 1904, and I do hereby further certify that I am acquainted with the said *James M. Oglesby* and *Charles Clark*, the subscribing witnesses to the above and foregoing mining lease, and that said witnesses are reputable persons and entitled to full faith and credit.

Subscribed in my presence and sworn to before me this

day of 1904

My commission expires on 17th day of May, 1908

O. E. Drake

Notary Public.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
 Northern Judicial District,

Certificate of Officer Taking Acknowledgment

I, _____ a Notary Public within and for the _____ District of the Indian Territory, do hereby certify that _____ of _____ and _____ of _____ witnesses to the attached lease, executed by _____ to _____ 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 this _____ day of _____ 1904

(Seal)

My commission expires _____

Notary Public.

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

Muskogee, I. T. Jan 22, 1906, 1906. 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. Feb. 21, 1906, 1906. 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. Mar. 3, 1906, 1906. Approved
Thos. Ryan, First Assistant Secretary of the Interior.

Filed for record at Tulsa Aug 11, 1906 at 1 o'clock P. M.

Otis Lorton
 Deputy Clerk and Ex-Officio Recorder.