

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 part 9 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: —

James S. Pacey (wafer)

George A. Birmingham (wafer)

Two witnesses to execution by lessor:

Fred Pfendler

James Harris

P. O. Sapulpa, I. T.

P. O. Sapulpa, I. T.

Two witnesses to execution by lessee:

Edward R. Jones

J. D. Ford, (can make no first name)

P. O. Muskogee, I. T.

P. O. Muskogee, I. T.

P. O.

P. O.

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

ACKNOWLEDGMENT.

On this 4th day of May, A. D. 1906, before me, a Notary Public within and for the Western Judicial District of the Indian Territory, appeared in person James S. Pacey, 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 4th day of May, A. D. 1906.  
My commission expires October 16, 1909.  
Harry Campbell, Notary Public.

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

AFIDAVIT OF WITNESSES.

On this 4th day of May, 1906, before me, a Notary Public within and for the Western Judicial District of the Indian Territory, personally appeared Fred Pfendler and James Harris, who are the witnesses to the attached mining lease, and they have sworn to me 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. That said lease was in their presence read and fully explained to the lessor, and that they understood the nature, contents and effect thereof and approved the same.

Western District I. T.

Fred Pfendler

James Harris

Subscribed in my presence and sworn to before me this 4th day of May, A. D. 1906.  
My commission expires on 16 day of October, 1909.  
Harry Campbell, Notary Public.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Judicial District.

Certificate of Officer Taking Acknowledgment

I, \_\_\_\_\_ a Notary Public within and for the \_\_\_\_\_ District of the Indian Territory, do hereby certify that \_\_\_\_\_ 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 \_\_\_\_\_, 190\_\_\_\_.  
My commission expires \_\_\_\_\_  
Notary Public.

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

Muskogee, I. T. June 14, 1907. The within lease is forwarded to the Commissioner of Indian Affairs with recommendation that it be disapproved. See my report of even date.  
Dana H. Kelsey, U. S. Indian Agent.

DEPARTMENT OF THE INTERIOR, Office of Indian Affairs.

Washington, D. C., July 8, 1907. Respectfully submitted to the Secretary of the Interior with recommendation that it be disapproved.  
C. F. Lander, acting Commissioner.

DEPARTMENT OF THE INTERIOR.

Washington, D. C., July 8, 1907. Disapproved.  
Jesse C. Wilson, assistant Secretary of the Interior.

Filed for record at Tulsa Oct 3, 1907 at 8 o'clock A. M. O. H. Lorton, Deputy Clerk and Ex-Officio Recorder.

\* And I so finding full and correct, that I am acquainted with the said Fred Pfendler, and James Harris, the subscribing witnesses to the above lease, and their said witnesses are reputable persons and entitled to full faith and credit.