

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 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.

(Corporate Seal)

Attest: Arthur D. Ransstead.

Secretary.

Mahinda X. Austin.

The Henry Oil Company.

R. Robert C. Henry, Its President.

Two witnesses to execution by lessor:

Eli Harlin

Joe Batt

P. O. Pahlzagah Indian Territory

P. O. Stillwell Indian Territory

Two witnesses to execution by lessee:

M. J. Herrmeyer

J. T. Bourke

P. O. Chicago

P. O. Chicago

P. O.

P. O.

* acknowledgment appears below in instrument.

UNITED STATES OF AMERICA, INDIAN TERRITORY,

Northern Judicial District,

ACKNOWLEDGMENT.

On this 5th day of August, A. D. 1905,

before me, a Notary Public within and for the Northern Judicial District of the Indian Territory, appeared in person Mahinda Austin of Stillwell, D. T. 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 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

Judicial district of the Indian Territory on the 5th day of August, A. D. 1905

(Seal) My commission expires May 17th 1908. O. E. Drake Notary Public.

UNITED STATES OF AMERICA, INDIAN TERRITORY,

Northern Judicial District,

AFFIDAVIT OF WITNESSES.

Eli Harlin of Pahlzagah, D. T. and Joe Batt of Stillwell, D. T. witnesses to the attached mining lease executed by Mahinda Austin to The Henry Oil Company, a Corporation, 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 she understood the nature, contents and effect thereof and approved the same.

(Seal) Eli Harlin

Joe Batt

Subscribed in my presence and sworn to before me this 5th day of August 1905

My commission expires May 17th 1908. O. E. Drake Notary Public.

UNITED STATES OF AMERICA, INDIAN TERRITORY,

Northern Judicial District,

Certificate of Officer Taking Acknowledgment

I, O. E. Drake of Pahlzagah, Indian Territory, a Notary Public within and for the Northern District of the Indian Territory, do hereby certify that Eli Harlin of Pahlzagah, D. T. and Joe Batt of Stillwell, D. T. witnesses to the attached lease, executed by Mahinda Austin to The Henry Oil Company, a Corporation, 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 5th day of August 1905

(Seal) My commission expires May 17th 1908. O. E. Drake Notary Public.

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

Muskogee, I. T. Oct 20, 1906. The within lease is forwarded to the Commissioner of Indian Affairs with recommendation that it be approved. See my report of even date.

Danah H. Kealey, U. S. Indian Agent.

DEPARTMENT OF THE INTERIOR, Office of Indian Affairs.

Washington, D. C., Nov 3, 1906. Respectfully submitted to the Secretary of the Interior with recommendation that it be approved. O. E. Drake, Acting Commissioner.

DEPARTMENT OF THE INTERIOR.

Washington, D. C., Jan 19, 1907. approved. Jesse E. Wilson, Assistant Secretary of the Interior.

Filed for record at Tulsa Apr 6 1908 at 8 o'clock A. M.

Indian Office,
35761 Apr 12 1907
Ind. No. 47.

(Seal) H. C. Walker, Deputy Clerk and Ex-Officio Recorder.