

In the name of God Amen

I Henry Wayner of Ashe County and State of North Carolina being aged and infirm in body but of sound and disposing memory calling to mind the uncertainty of human life and being desirous to settle all my worldly concerns and disposing of the property wherein it has pleased God to bless me with do make this and publish this my last will and testament and desire that I may be received by all as such in name and form as follows to wit

- 1 My will and desire is that all my just debts and funeral charges be paid
- 2 So I have already given my first children to wit Susan Morris Mobilda Canille Christina Cams Daniel Wayner Isaac Wayner their full share of my property heretofore I shall give them none
- 3 I will and bequeath unto my wife Nell Wayner all my lands property and effects to belong to her lifetime at her decease to be divided equally between my last children to wit Eli Wayner Annie Bass Sarah Thinger Fanny Bass John Wayner Reid Wayner Louisa Wayner and Almira Wayner
- 4 I have already given Eli Wayner 2 horses worth 180 dollars to be discounted out of his part
- 5 I have already given my son Reid Wayner two horses worth 170 dollars to be discounted out of his part
- 6 And last I do hereby nominate and appoint John Wayner Exor of this my last will and testament hereby revoking all former wills and testaments made by me at any time heretofore In testimony whereof I have hereunto set my hand and seal

This 17th November A.D. 1868

Signed and acknowledged Henry Wayner (Exor)
in the presence of
W.B. Coarson
John H. Fender

North Carolina }
Ashe County } In Superior Court

A paper writing purporting to be the last will and testament of Henry Wayner one is exhibited before the undersigned Judge of Probate for said County by John H. Wayner the Exr therein mentioned and the due execution thereof by the said Henry Wayner by the oath and examination of William B. Coarson and John H. Fender the subscribing witnesses thereto who being duly sworn doth depose and say and each for himself depose and say that he is a subscribing witness to the paper writing now shown him purporting to be the last will and testament of Henry Wayner that the said Henry Wayner in the presence of this deponent subscribed his name at the end of said paper writing which is now shown as aforesaid and which bears date the 17th of November 1868

And the deponent further sayeth that the said Henry Wayner the testator aforesaid died at the time of subscribing his name as aforesaid declare the said paper writing to be subscribed by him and exhibited to be his last will and testament and this deponent did thereupon subscribe his name at the end of said will as an attesting witness thereto and at the request and in the presence of the said testator and this deponent further sayeth that at the time when the said testator subscribed his name to the said last will as aforesaid and at the time of deponent subscribing his name as an attesting witness thereto as aforesaid the said Henry Wayner was of sound mind and memory of full age to execute a will and was not under any restraint to the knowledge informant or belief of this deponent and further this deponent sayeth not

Solely sworn and subscribed
this 11th day of May 1869

Before me

William B. Coarson
John H. Fender

John H. Fender C.S.C