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Georgia. 3. Publicly appeared in Open Court at the Regular Term of the Ordinary Court James Whittier and James O. Hogan who being duly sworn testify that they were present and saw John White sign the will in as his last will and Testament and that they saw both of them together with them before sign the same at Milledgeville in the presence of each other and in the presence of the witnesses and that the said John White was of sound disposing mind and memory at the time of signing the same

Witness to and Subscribers in Open Court
 (Grogg 1st 1852)
 Wm Hudson (Ordinary)

James Whittier (S)
 James O. Hogan (S)

State of Georgia, I James A. Capaway of said County and State being sworn and being in feeble health and not knowing when death may come and being desirous to make a disposition of my property before my death do make this my last will and Testament to take effect after my death

Item 1st I will that my body be buried in a Christianlike manner according to Custom of the County

Item 2nd I will and direct that all my just debts be paid as soon as my Executors can collect enough out of my notes and accounts

Item 3rd I give and bequeath unto my beloved Mother Eliza Capaway during her natural life time only my two negro boys to wit Abel a yellow negro boy about 28 years of age and Miller a black negro boy about 33 years of age And then at the death of my Mother I will and bequeath the said negro boys Abel and Miller to my Brother Thomas J. Capaway. It is also my will that my executor here and said negroes as long as he lives and at his death my Mother to do the same and the money for the hire be equally divided between my Mother and Brother Thomas J. Capaway unless the action of my Mother should require more than half the proceeds of the hire of the above negroes together with her own means which she may have to afford her a comfortable support in which event I direct her to have and enjoy the whole of the hire of said negroes annually

Item 4th I will and bequeath unto my Brother David W. Capaway the Sum of ten dollars when collected out of my estate

Item 5th I also will and bequeath unto my Brother John B. Capaway the Sum of ten dollars when collected out of my estate

Item 6th I give and bequeath unto my esteemed friends and brethren in Law Freeman W. Stogier my gold watch and Chain

Item 7th As a token of my respect and high regards for my esteemed friend Henry F. Johnston I give to him my gold pen and Case

Item 8th It is my will that if there should be any money left out of the proceeds of my notes and accounts after paying my debts that it be equally divided between my beloved Mother and Brother Thomas J. Capaway

Item 9th I hereby constitute and appoint my worthy friend Henry F. Johnston executor of this my last will and Testament

James A. Capaway (S)

Signed sealed delivered and published by James A. Capaway in the presence of the Subscribers who subscribed our names hereunto in the presence of said testator his Special request & in the presence of each other the 2nd day of Decr 1852

