

Dugout Clinch County Georgia.

The Will of David J. Sizemore in
the name of God Amen.

I David J. Sizemore of the County
of Clinch and State of Georgia
Being of disposing mind and memory
Blessed be Almighty God for the
same Considering the uncertainty of
life do make Publice and declare
this my last Will and Testament in
these words and form following that
is to say

1st It is my will and desire that all
of my Funeral expenses be paid by
my Executor and that my body be
buried according to Christian usage

2nd It is my will and desire that when
my just and legal debts are due by me
to others at the time of my death
be fully discharged and paid by
my Executor hereafter mentioned
out of the cash now on hand of my Estate.
Then I declare myself to be law-
fully bound and accordingly
to dispose of in my own right property
consisting of about \$14,000⁰⁰ Fourteen
Thousands Dollars now deposited
With the Merchant's Bank of Dalton

Georgia and also one flock of
Cattle about six hundred head
Married or fallown, Split and
under ~~26~~ ²⁶ feet in one ear and
Crop and under slope in the other.
Branded with H & T and also part
branded with Swallow fork in
one ear and under ditto in the other
12 hundred with D. S. all of said Cattle
upon mentioned branding and
being in the Clinch & Dahlonega County.

Georgia. And also one house and
lot in Dupont Georgia where I now
live and one Roan Horse.

4th It is my will & desire that my
Executor whom I shall hereafter
nominate be paid reasonable
for all his service performed. To
Come out of the above proceeds of
said property.

5th It being my will and desire that
my executor pay Alice Capelung of
Lawndale County Georgia my Grand
Daughter first to be paid out of
above property (1000⁰⁰) One Thousand
Dollars in Cash and this to be her
part in full of her interest in my
Estate as above mentioned and then
my son Egeniel S. Simms be appoin-
ted her Guardian and he to such
she (Alice) gets the personal benefit
of the same and must suffer
his judgement. so that it will be of
greatest good to her.

6th It also being my Will and desire
that my executor pay to Gordon Simms
the son of (Lucious Simms deceased) my
Grand Son one Thousand Dollars (1000⁰⁰)
in Cash to be paid also out of the
above property and this to be his part
in full of his interest of my Estate
as above mentioned.

7th And then the remainder of my Estate
to be equally divided among the
lawful heirs of my Estate consisting
1st of Conchilla Simms my wife
2nd and Para Hogan the wife of John
Simms and Walter Justice Simms
both the son & daughter of Lucius
W. Simms & Parson & (name of son & daughter)

They jointly receive only their
father's interest in my Estate as
one heir to be divided equally
between the two 3^d Benjamin Birman
my son of Ware County & General
J. Birman my son of Clinch County
Georgia.

8th

And I do hereby nominate and
Appoint my son Benjamin Birman
of Ware County Georgia my Executor
to this my last Will and Testament
and enjoin upon him the strict
Execution of the same by prosecuting
the object of this my desire and
Will as hereinbefore expressed of
the disposition of my property.
In witness whereof I have hereunto
set my hand and affixed my seal
This the 4th day of March 1904.

David J. Birman L.S.

9th

Dictated declared published and
Signed as the last Will and
Testament of the said David J. Birman
by and in the presence signed
by me as Witness at his request
L. H. P. Johnson & G. J. P.

P. A. Register
Frank Dickerson
H. A. Quinn
C. S. Lee
F. B. Birman