

At the same place, and on the 1st day of August 190⁷, in the presence of the same counsel of both parties, Robert H. Simmes, a witness on behalf of the Claimant, was produced, and having been by me in like manner duly sworn, deposed and said that his name is Robert H. Simmes, that his occupation is that of Plasterer; that he is 77 years of age; that he has no interest, direct or indirect, in the claim which is the subject of inquiry in said cause, and that he is not related to claimant.

And thereupon the said Robert H. Simmes was examined by the counsel for the Claimant, and in answer to interrogatories testified as follows:

Q. Where did you live and what connection if any did you have with the Evangelical Lutheran Church of Burkittsville, Md, during the Civil war ?

A. I lived in Burkittsville, Md. , have been here from 1861 to the present. I became a member of that Church in 1862 .

Q. State what if anything you know as to any military occupation of, or injury to that Church during the Civil war ?

A. At the time of the battle of South Mountain , it was occupied by wounded soldiers and the pews were taken out and rough boards were arranged about as high as a table for the sick to lie on. I don't know as I know of any injury to the property , besides taking the pews out, except what might have been done to the carpet and what might have been caused by limbs amputated lying around. I saw a large number of amputated limbs lying on the floor of the basement just inside of the door of the Sunday School room in the corner at the left as you enter. I saw an arm amputated in the basement room and thrown over in one corner .

Q. What knowledge if any have you of any repairs that were made at that Church after it was vacated by the soldiers ?

A. None further than replacing the seats , and some of them had to be fixed up , as they had taken them off in a hurry and they had split off in pieces. Then when they got it all in order it was frescoed the summer or fall following .

Q. State any particulars if you as to that frescoing ?

Wm. Graham N.P. (24) 12 D. H. Simmes

A. Well I only remember it by being around when work of that kind was done.

Q. Who did that frescoeing ?

It was done by a Frederick man, I think his name was Lampe. To the best of my knowledge there were two brothers of them and I think they went South, but they may be back. I have known nothing of them in recent years.

Q. Is it possible that the frescoeing you are now talking about was done at the time that church was buildt in ¹⁸⁵⁷ ~~1865~~ ?

A. No, I did not come here until 1861, was not here when the Church was buildt. On further consideration I am more unclined to think that the frescoeing I have spoken of ^{that} was done by Mb. Lampe, was done probably at the close of the war, after things settled down, rather than in 1863.

Q. Had the Church been frescoed before you came here in 1861.

A. I think it had, yes I am sure it had.

Cross examination by Mr. Lamar.

Q. Do you remember definitely that the carpet on the floor of the Church at the time it was occupied by these troops ?

A. Yes sir, they were on the floor.

Q. Do you remember any particular damage was done to those carpets at th time the Church was vacated by the troops ?

A. That I can't remember definitely. and I dont remember exactly how long the troops were in the Church.

The Examination of the Counsel having been concluded, the witness being asked whether he knew of the matter pertaining to the case which he had not stated, answers he did not.

W. H. Graham N.P.

(25)
13 *R. U. Erwood*