

Piedmont Historical Society

Revolutionary War File of MARSHALL FRANKS (# S10703)

Submitted by Judy McHam Davis, great-great-great-great granddaughter of
Marshall Franks.

The State of Alabama
Pickens County

Circuit Court for Said County
April Term ___ day of the ____ AD ____

On this 22nd day of April AD 1836 personally appeared in open court before the Judge of said court Marshall Franks a resident of the county of Pickens and State of Alabama aged eighty four years, who being first duly Sworn, according to law, doth on his oath make the following declaration, in order to obtain the benefit of the pension made by the act of Congress passed June 7th 1832.

That he was a Soldier of the Revolution, and was engaged in the Service of his country, as a Soldier most of the time from the fall of the year of 1775, to the close of the war & acknowledgement of the Independence a great many of the officers & especially the sub officers, he can not now recollect, in consequence of old age, & the consequent loss of memory.

The first of his service commenced in the Fall of 1775. he was then living in the State of South Carolina in a district then known by the appellation of Ninety Six district, but now called Lawrence [Laurens] district in said State. he was then about twenty three years old. about this time troubles commenced with the Tories & partizans of that part of the country. The particular circumstances which gave rise to this tour of service was this: The Governor (he presumes) had sent up to Cambridge Courthouse a large quantity of powder & etc; And the Tories had determined to take possession of it; a company of volunteers was raised in order to save the ammunication from being plundered; I was one who volunteered in this expedition. There was no definite or fixed time for the Service to continue then except -- as above stated, & to disperse & subdue the Tories who stimulated & encouraged by one Robert Cunningham of Tory renown was keeping the people in continual alarm & terror. This expedition was conducted by Capt Jas Dillard (?) 2d Lieut Jonathan Downes (?). This company marched to Cambridge & there joined several other companies. The whole force embodied at the above mentioned place was

commanded by Genl Andrew Williamson, of whom it was afterwards said, that he proved traitor to his country, & afterwards joined the enemies army. Col Robert McCrary was also with them and in command. They succeeded in securing the powder as they desired, & subduing the Tories, who all remained neutral until the British invaded the Country which cheered their hopes & brightened their prospects. They had quite severe skirmishes with the Tories at Cambridge, which continued three days & nights. They finally surrendered on terms viz that there should be no hostilities for twenty days. They were verbally discharged after having rendered service for the term of at least one month.

The applicant is not certain whether it was or not, but believes from the best of his recollection that it was in the year 1779 while he continued to live at the same place first mentioned, he was drafted into the Service under Col Williams who was mentioned as his first Captain under which he served, & who had now been promoted to Col. The Captain under whose command he was, was called Charles Sexton, the Lieut. not recollected. This draft was for three months. The forces were marched to Liberty Hill opposite Augusta in Georgia; the British then had possession of Augusta. They did not remain long after the arrival of the Whig but marched off for Savannah & on their way thither encountered & routed Col Ashe's forces of N. Carolina Troops. In meantime Genl Williamson, who had taken command of the forces, remained at Liberty Hill, but frequently sent scouting parties across the River to reconnoiter the country. In one of these parties the applicant happened to be when they had a skirmish with the Tories on Briar Creek in Georgia. This applicant states that Col Hayes (who was then a Captain) commanded him, and he thinks that Col Leroy Hammonds commanded. Col Thomas Brannon was also in command. There was some fo----- on five hundred of the enemy, consisting of British & Tory. The Whigs numbered to four hundred. They immediately on sight of the enemy charged on them, who fled in confusion, & our forces followed. This applicant in the charge was cut of from the main body of his company, & in winding his way down the creek to rejoin his friends he encountered & took prisoner a Tory of fame & renown & for whom Col Williams had offered a reward of five hundred dollars, his name was Aquillah Hall. Aquillah had been cut off from his friends & mistook the applicant [Marshal Franks] for one of his friends until he was ordered to surrender, which he was compelled to do. before he rejoined his friends he encountered & took another prisoner called Hector McNeal, who was also known as a Tory of considerable influence in this country. This applicant found it somewhat difficult in getting along with his two prisoners who seemed very sullen, but fortunately he met with one of his friends by the name of Wm Smith who joined him in guarding the prisoners into his friends. ---- be amiss he were to

state how he took "Hector" inasmuch as he already had over in his custody his plan was this Hector was with another dragoon who immediately on sight of this applicant & his prisoner put spurs to his horse & cleared himself he had given "Aquillah" his orders, to join him in his threats against Hector who was now left alone, or his life should pay the forfeit which "Aquillah" done manfully. "Hector" thinking himself outnumbered gave up without any resistance. The party returned to Liberty Hill. From Liberty Hill they marched to Cambridge having taken in this tour a number of Tories amounting in all (together with those which had been sent to them at Liberty Hill by Col Pickens) to three or four hundred. They remained at Cambridge some time until one Judge Pendleton from Charleston arrived who tried the prisoners for their ---, five of whom was hung, the famous Aquillah Hall already mentioned being one of the number. They were then verbally discharged & this applicant returned home having served in this tour at least three months.

The third tour the applicant was drafted, under Col McCravy & Capt Charles Sexton. The latter commanded the applicant's company. This force marched over into Georgia on Cupboard Creek, in order to prevent the British from retaking Augusta; after remaining in Georgia a short time, they pushed for Charleston in order to save that point but they received information by one Patrick Calhoun (a true Whig) that the town of Charleston had surrendered before they got to Orangeburgh District. The army was then remarched back near to Camden when they were verbally disbanded in great confusion, dismay & despondency, was discovered in every countenance, and the command of Col Pickens to us, was "that we would have to shift for ourselves." I now will recollect his looks, when he spoke these words the tear was clearly perceived by me to glisten in his eyes; this applicant then returned to his home, having served his country at least three months in this campaign.

The fourth tour this applicant served under Col Levi Casey, under the immediate command of Capt. Lewis Duvall. This applicant states that from the time they received the information of the fall of Charleston & from the time they were discharged in the confused manner already mentioned by Col Pickens, they were not permitted to remain at home. The country was invaded by the enemy. The Tories were in arms & committing the most outrageous deeds of massacre & bloodshed and he thought the most certain safety was in camp. Soon after the above mentioned discharge was there not a draft in the company to which he belonged. The officer who commanded indicated to them the plans (places) of meetings & they obliged, for they were generally if not in camps outlying or not ventured to sleep under their own roof & so it continued until near the close of the war. The officers marched to Ninety Six; it was the

Spring of 1781 to the best of his knowledge. They attempted to besiege this place. It continued for near a month during which time Robert Pickens, a brother to Col Pickens (afterwards General) was killed; finally Rawdon was ascertained to be on his march up to the aid of the enemy, and Genl Green (who commanded him) left & made his way to the Eutaw Springs. The officers that commanded this applicant turned up towards N. Carolina & continued to reconnoiter the country, taking the advantage of the enemy whenever their numbers & position would justify it. This applicant states that he can not positively say whether he during his service above mentioned was a Militia Man, or belonged to the State Troops; he however well knows that he served fully three months.

This applicant states that in the fall of 1781 he went on a tour into the Cherokee Nation under the command of Cols Anderson, Pickens and Clark & Mags Wm Mulioie (?). In this tour this applicant served as a Second Lieut in his company which appointment he yet had in his possession purporting to be from Governor Rutledge & signed by Col. Jos. Hayes dated September 24th 1781. The object of this tour was to dislodge a large squad of thieving, murdering Tories that had taken refuge among the Indians, & frequently made sallies into the white settlements for the purpose of plundering & committing depredations. They had some skirmishes - took many prisoners & returned home having been in this tour (altogether) in actual service two months.

This applicant states that shortly after the surrender of Charleston, the British invaded the Country; the Tories who had before been subdued, encouraged by the success of the British, became numerous & flooded the country with ____; that they had become more in_i_____ towards him; especially in consequence of his having taken two of their leaders one of whom had been hung at Cambridge before mentioned. That he well knowing their vindictive feeling towards him seldom ventured home & when he did, remained but a short time. That from the year of 1776 for the reasons just mentioned he kept himself pretty much in continuous service until the close of the war, at which time he received seven hundred fifty pounds sterling as ____ for that _____. That he in the Spring of 1833 made application to the Department for a pension under the ___ act, that his application was returned as being informal in many things and that he returns this to the department as his amended Declaration.

He hereby relinquishes every claim whatever to a pension or amnesty except the present, & he declares that his name is not on the pension roll of the agency in any state.

Sworn to & subscribed his
the day & year aforesaid Marshall X Franks
John Adams Clerk mark

In the first second 3d 4th 5th 6th & 7th interrogatories propounded by the court to the applicant he answers in substance that he was born in the year 1752 in Charlotte County VA; that he has a record of his age in his own family Bible. That at the commencement of the war he was living in old "Ninety Six" or Craven Dist So Carolina. That he has since lived in Giles County, Tennessee, and now lives in Pickens County Alabama where he has resided for the last twelve years. That he was a volunteer whilst under Capt Williams as aforesaid; but whilst under Captains Saxon [Sexton] & Duval, he was a militiaman belonging to their companies & went whenever or dared to do so without any draft. That he served as a private until he achieved the accompanying commission. That he was acquainted with Col Mason & Capt John Caldwell of the regular Army. That this deponent never received any discharge in writing. That in his present neighborhood he is acquainted with diverse citizens who can testify to his character & with veracity and refers the court to the Revd Thomas Archibald and James Randle (?) for satisfaction and to John Mangum for proof of a part of his services. The remainder of his services he cannot prove by any person living to him at this time known.

And the said court do hereby declare their opinion that the above named applicant was a revolutionary Soldier and Served as he states.

September 26, 1928
Major J. McClintock
Office of the Quartermaster General,
War Department, Washington, D.C.

Sir: I advise you from the papers in the Revolutionary War pension claim, S. 10703, it appears that Marshall Franks was born in 1752 in Charlotte County, Virginia. While residing in Ninety Six District, South Carolina, he enlisted and served with the South Carolina Troops, as follows: In the fall of 1775, one month as private in Captain James Williams' Company, Colonel Robert McCrary's Regiment, and was in several skirmishes with the Tories; in 1779, three months as private in Captain Charles Sexton's or Saxon's and Hayes' Companies, Colonel James Williams' Regiment, and was in the battle of Briar Creek; about the time of the "fall of Charleston", three months as private in Captain Charles Sexton's or Saxon's Company, Colonel McCrary's Regiment; three months as private in Captain Lewis Duvall's Company, Colonel Levi

Casey's Regiment, and was in the siege of Ninety Six; and September 24, 1781, he was commissioned Second Lieutenant and served two months in Captain Lewis Duvall's Company, Colonel Joseph Hayes' Regiment. He was allowed pension on his application executed April 22, 1836, at which time he was living in Pickens County, Alabama.

Respectfully,

Winfield Scott
Commissioner

South Carolina By his Excellency John Rutledge, Esq; Governor
and Commander in Chief of the said State.

To Marchel Franks Gentilman

I Reposing special Trust and Confidence in your Courage and good Conduct, and in your Fidelity and Attachment to the United States of America, have commissioned and appointed, and by J Rutledge these Presents do commission and appoint you the said Marchel Franks to be Second Lieutenant of A Company of Militia under Captain Lewis Duvall Commander ___ Colonel Joseph Hayes, which said Company you are to lead, train, muster, and exercise, according to military Discipline. And you are to follow and observe all such Orders and Instructions as you shall, from Time to Time, receive from me or the Commander in Chief for the Time being, or any of your Superior Officers, according to the Rules and Discipline of War, pursuant to the Laws of this State.

And all inferior Officers, and others belonging to the said Company ___ are hereby required and commanded to obey you as their Second Lieutenant.

This Commission to continue during Pleasure.

Given under my Hand and Seal
this 24th day of September A.D. 1781
and in the fifth Year of the Independence of America.
Jos Hayes Col

I Sam B. Moore Clerk of the circuit court of Pickens County and State of Alabama do certify that the within commission was exhibited to the Judge of said open court at Spring Term 1833 on the 17th day of April by Marshall

Franks, and is the same commission mentioned in the answers to the 7th interrogatory annexed to the declaration of the Said Marshall Franks for a pension on the day and year last above mentioned. Witness Samuel B. Moore Clerk of said circuit court at office the 20th day of April in the year of our Lord one Thousand eight hundred and thirty three -- of the Independence of the United States the fifty Seventh. Samuel B. Moore Clerk

The State of Alabama
Pickens County

I Samuel B. Moore, Judge of the County
Court of Said County - do hereby Certify that I am

& have been for the last four years well acquainted with John Mangum who has testified to the Services of Marshall Franks as a Soldier of the Revolution, & feel not the least hesitation in Saying that he is a man of credibility & of high reputation in the Section of the County where he resides as an honorable man, and as a Soldier of the Revolution. In testimony whereof I have hereunto Set my hand, this the 15th day of Nov 1836.

Sam B. Moore
Judge Co. Ct. P. Co.

The State of Alabama
Pickens County

Personally appeared in open court before the
Judge of Said Court

John Mangum aged seventy three years, 19th day of January last, who makes oath that he was well acquainted with Marshall Franks who now makes application for a pension under the act of 7th June 1832 during a part of the Service that he states that he rendered in his application. That in the tour that said Franks was in at Liberty Hill he knew him well as a soldier. That he was at last mentioned place when the party returned from the Briar Creek Expedition with the prisoners, & knows that it was thus stated & believed that said Marshall had taken Aquillah Hall a prisoner & has never heard that contradicted but knows nothing as to Hector McNeal the other prisoner mentioned. That he was well acquainted with the said Aquillah Hall but not with Hector McNeal. That he knows that he served at least three months during the Tour at Liberty Hill.

The next Tour that the affiant knows of his own personal knowledge, that the applicant done actual Service, was the time mentioned by the applicant when

they marched to Cupboard Creek in Georgia. This affiant saw the applicant during that Tour frequently, & believes that he served three months. This affiant afterwards frequently saw this applicant while he (the applicant) Served under Col Hayes & Col McCrary but does not know how long he Served under him. This affiant frequently saw the applicant while he acted as Second Lieutenant in Capt Duvals company commanded by Col Hayes, but did not then see his commission, but knows that he was so called, & understood to be - does not know how long he Served after he was elected Second Lieutenant and furthermore this affiant saith not.

Sworn to & subscribed

John X Mangum