

[Southern Campaign American Revolution Pension Statements and Rosters](#)

Virginia documents pertaining to James Franklin VAS3633
Transcribed and annotated by C. Leon Harris.

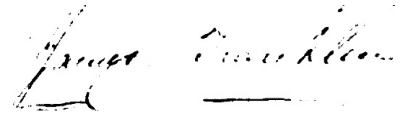
[The following are from [rejected claims in the Library of Virginia.](#)]

To the Hon'ble Governor & Council

Having understood that Cap. James Dillard [W7019] has received his land bounty I beg leave to represent to your Honble body I entered the [undeciphered word] service in the year 1775 and continued in that service until the Establishment of Minute men and then I became a minute man and did serve as such till the fall of the year 1776 when I went as a Lieutenant in the [undeciphered word] expedition of that year, upon my return I received an [undeciphered word] of Capt in the 10th Virginia regiment on continental Establishment and served to the North from thence to the South on the Guilford expedition all which facts can at any time be substantiated if required. I consider my claim in every respect to be equal to that of Cap Dillard & pray your Honble body to grant any bounty in Land and your petitioner as in duty bound shall ever pray &c

James Franklin

Amherst County June 20th 1810



I know that Maj'r James Franklin was to the North and upon the Guilford Expedition Guilford Courthouse NC, March 1781] as within stated

Given under my hand the 21st June 1810 James Dillard



[The following are from [bounty-land records in the Library of Virginia.](#) The file also contains a document filed in Amherst County VA on 17 Jan 1832 that is not legible enough for transcription. The punctuation in several of these documents has been partly corrected.]

Notes of the Proof in support of the claim of James Franklins heirs to Land bounty from the Commonwealth of Va. in right of his service as a Capt in the 10 Va Regt. on Continental establishment, with some deductions from that evidence as to what it [undeciphered word] to prove. It is proved that in the fall of the year of 1776 he was appointed a Captain and recruited his whole company; and that early in 1777 he marched and joined Gen'l. Washingtons Northern army; was a brave actor in the memorable battle of Brandywine [11Sep 1777] – was sick and in the neighborhood of the camp at the battle of Germantown [4 Oct 1777]; That on the 28 June 1778 was in the battle of Monmouth – was at his residence in the County of Amherst in the Spring of 1780, but whether sick on furlough or supernumerary, or having resigned his command does not appear [see endnote], but it does appear that on the 15 March 1781 he is again seen attached to the Southern army under Gen'l. Green [sic: Nathanael Greene] and doing service as a Capt of a Va Reg't on continental establishment [sic: see endnote]. It is believed that a three years continued service which would expire in October 1779 is positively proven, and that by fair inference, a service during the war ought to be infered from the proff. The Executive are respectfully referred to the proof accompanying similar application ever since the peace in 1783 and especially to the affidavit of Gen'l. Porterfield [Robert Porterfield S8965] and of Wm Moor [sic: William Moore S5787], held in a recent case of claim (somewhat similarly circumstanced) by the heirs of John Lewis [BLWt1864-300] de'd for proof of these facts; that the Regts by death, from disease, wound & loss is in battle were often broken up, and recruiting going on tardily, remnants of regts were consolidated and

that officers, thereby, made supernumerary disbanded to be called again in to service when needed the history of those times and the letters of Gen'l Washington to the executives of the diffent states verify it. Taking these facts with the proofs in this case appears irresistably to [undeciphered word] that Capt Franklin when seen at home in 1780 was a supernumerary [sic: see endnote] and that he was again called into service in 1781 when he was seen at the battle of Guilford [sic: see endnote], and that he was infact in commission until the peace of 1783 [sic: see endnote]. There are other proofs, he appears to have obtained a certificate of the depreciation of his full pay on the 24 Apl 1783, which was 13 days after the provisinal articles of pacification, were ratified by the congress of the U. States. and furthermore that he bore no appointment in the Militia of the county until the year 1785, nor it is inconceivable that an officer who is proven to have faught gallantly, should not have been appointed to a [undeciphered word] in the militia of his country if his connexion with the regular army had ended

It is not expected that the parties who were infant heirs of Capt Franklin at the time of his death, after the lapse of more than half a century, will be required to [several missing words] when so few of the actors of those times are [part missing] and they respectfully ask that they may receive bounty in land for the services of their ancestor from Oct. 1776 to the 16 Day of June in 1783.

To his Excellency John Floyd Governor of the Commonwealth of Virginia

Your Petitioners Henry L. Davies and Ann C his wife, Sarah W. Davies, Elizabeth H. Franklin, and Nancy Franklin Respectfully shew: that James Franklin of the County of amherst, husband of the said Nancy and father of the said Ann C. Elizabeth H & Sarah W. died on the 23^d June 1813, leaving four children and a widow towit the female petitioners above mentioned and a son named John R Franklin; that since his death your petitioner Ann C intermarried with the said Henry L Davies, Sally W with a certain Samuel R. Davies, recently deceased, and that John R Franklin, has departed this life, over the age of 21 years unmarried and intestate. Your petitioner Nancy Franklin, mother of the said John has quallified as his administrator, and togeather with the copetitioners are his distributees and heirs at Law. The said James Franklin the ancestor and husband aforesaid died testate as to his land and slaves in the county of amherst, but intestate as to the claim for Revolutionary services hereinafter mentioned, so that as to that interest, if the claim be established, your Petitioners are the distributees and heirs at Law of the said James Franklin, and the said John R Franklin de'd; all which will more fully appear by the certificate of the County court of amherst herewith exhibited marked A and prayed to be taken as a fact of this Petition. Your Petitioner further shew, that the said James Franklin was an officer in the Revolutionary army, and as such was entitled to the pay, land bounty and immunities [amenities?] promised by the acts of October 1779 October 1780 and perhaps, preceeding and subsequent acts of the Commonwealth of Virginia, to her officers and privates, who should enlist and serve in the Virginia line on Continental establishment. His grade was that of a Captain of an infantry company in the 10th Regt of the Virginia line on Continental establishment, which was at one time (perhaps in the first organization of the Regt) commanded by Col Edward Stevens [VAS1922], who was afterward made a Brigadier Gene'l of the Militia. In October of the year 1776 an act was passed by the Virginia legislature, to augment the forces of the state, on Continental establishment this additional force, was to be officered from the counties of the state, in the manner and in the proportion prescribed by the law. To amherst was allotted one Captain one first and second Lieutenant, and an Ensign. The said James was the captain elected by the county committee for the county of amherst; shortly after his election and appointment as aforesaid, in October or November 1776 he enlisted his whole company, among whom was the witness Jones, [Thomas Jones W7905] mentioned in the certificate aforesaid was commissioned a Captain by the american Congress in the Regt. aforesaid, and immediately thereafter joined the army of the Revolution under the command of [part missing at bottom of page] Franklin and his whole company were engaged and took an active and efficient part in that memorable Battle. The Witness Jones stated that he was by his side during the engagement, & that he conducted himself with great gallantry. He was prevented by indisposition from bearing a part in the Battle of Germantown, but was in the battle of Monmouth; He thereafter continued in active service until the spring of 1780 [sic], when he returned to his home in the County of amherst; whether he returned upon furlough,

in consequence of sickness, on the recruiting service, or as a supernumerary officer, your petitioners cannot certainly ascertain, they can only say that the said James always said in his life time, that he was absent from the army on the recruiting service (and that in fact he was in commission until the Treaty of peace). After this the said James again rejoined the army of the South, under the command of General Green and was in the year 1781 engaged in the Battle of Guildford – whether he here commanded the first company enlisted by him, or was transferred to the command of another company of Regulars, or whether temporarily assigned to the command of a Volunteer or Militia company does not fully appear; Certain it is he was there as a Captain of Continentals. This fact is established by the affidavit of Smith Thompson [S38438] of Staunton, Augusta, whose remarkable tenacity of memory, as to dates and circumstances, and whose veracity your Petitioners are informed, are well known and established, at the departments, State and Federal, who superintend and audit Revolutionary claims.

Your Petitioners further shew, that the said James Franklin, was in the early part of his life a comparatively wealthy man, and either from carelessness or ignorance of his rights, or the manner of asserting them, made no application for his bounty land when the claim was recent, and the proof of service abundant; but as he grew older, his family increasing upon him and his pecuniary affairs becoming less prosperous, the said James a few years before his death, turned his attention to this claim. He was stimulated to this as well by the circumstances just mentioned, as by the intelligence that the men whom he had enlisted and commanded, and his brother officers, were applying for and obtaining their bounty land. When arrested by the hand of death he was collecting the evidence of his services and to this end had applied for and obtained the certificate of Edward Stevens, Col of the Regt mentioned in the certificate of the County Court of Amherst. Had the said James lived, your Petitioners doubt not, that testimony would have been exhibited in a more imposing and conclusive form, as he would doubtless have been more competent to search it out that your Petitioners – as it is however they are advised that it is all sufficient to establish [part missing at bottom of page] the war. They think however by fair inference from the testimony, a service during the war is established. In addition to the facts certified by the county court of Amherst, your Petitioners beg leave to refer to the Register deposited in the auditors office containing a list of Continental officers and privates, and the certificates for depreciation of pay issued to them. On this Register is to be found the name of their ancestor, Capt. James Franklin, and the amount of the certificate granted him, – your Petitioners cannot for a moment doubt the Justice of this claim, since it has come to their knowledge that both the privates and officers who served under the said James and among the latter the Witness Jones, have received their bounty land &c who confessedly performed less service than the said James. His Col the s'd Edward Stevens, who retired from the army years before him, has received a bounty in land of Ten thousand acres

In fine your Petitioners believe that no officer of the Revolution is better entitled to the reward promised by his country than the said James, for besides enlisting the whole of his company as aforesaid, and serving on the continental establishment from the fall of 1776 until the battle of Guilford in 1781 if not during the whole war as aforesaid, the said James had previously to the fall of 1776 performed much valuable military service for his country, tho then a very young man. Early in 1775, he became a soldier in the Independent company; when the minute establishment took place, he transferred himself to that establishment, and became a Leut. therein. In 1776 he marched and served in Christians [William Christian] expedition against the Cherokee Indians and whilst engaged in that service and before he actually received a discharge therefrom, he was appointed to raise and command the company, in the 10th Va. Regt as first above mentioned. Your Petitioners derive this information from a statement of his services, made by the said James in [undeciphered word] in his life time, and found among his papers at his death, which although not legal evidence, satisfactorily establishes the fact in their mind.

All which is respectfully submitted, and in consideration whereof they pray that your Excellency will order the emanation of a warrant by the Register of the Commonwealth in their behalf for the land bounty due to the grade of a Captain on Continental establishment, for a service of three years, or during the war, and as in duty bound they will ever pray &c.

July 21st 1832

Henry L Davies/ Ann C Davies/ Nancy Franklin
Sarah w Davies/ Elizabeth H Franklin

Auditors Office of Virginia 27 July 1832

I do certify that it appears from the Records in this office of certificates issued to the officers and soldiers of the Virginia line on Continental establishment that a certificate issued on the 23 April 1783 to James Franklin a captain of infantry for £67.12.0 being for the balance of his full pay or depreciation according to the act of Nov. 1781.

Jas E. Heath Aud'r. pub accts

Amherst County to wit

This day personally appeared before me a Justice of the peace for the County aforesaid Benjamin Higginbotham [Benjamin Higginbotham S5542] and made oath that he is a Soldier of the Revolution, and that in the year 1781 he marched as a Volunteer from the County of Amherst to the Guilford expedition in North Carolina, where he was under the command of Gen'l. Green. That in that expedition, another company was also marched from the County of Amherst, under the command of Capt. James Franklin, he thinks the company of Capt Franklin was a militia company, but whether Capt Franklin who had lately returned from the Northern army, where he commanded as a Captain commanded the company as a volunteer captain of militia he cannot at this distance of time tell, but he well remembers that the said Capt Franklin whilst on that expedition was in the full dress of a regular officer. That the company to which he was attached was a volunteer rifle company & commanded by Capt James Dillard [W7019] that after joining[?] the army of Gen'l. Green, they were attached to Col Lynches [Charles Lynch] Regt & Washingtons [William Washington] light horse, and were thereby separated from Capt Franklin, with whom they had march'd from Amherst and did not again rejoin during the expedition & that he did not therefor see any thing more of the service of Franklins company. He remembers verry well that Capt Franklin was esteemed as an excellent officer, and that he was intimate with all the officers of the army with whom he met.

Given under my hand this 27th day of Sept 1832

A B Davies

Augusta County, to wit,

This day Smith Thompson personally appeared before me a Justice of the peace for said County, and made oath that he is a Revolutionary soldier and that he was at the Battle of Monmouth in the state of New Jersey [several illegible words] 1778 and that he was acquainted with a certain James Franklin who was a Lieut in Woodfords or W[illegible; George Weedon BLWt2418-850] Brigade, which of the two he does not now remember, that the said Franklin was in that Battle. That afterwards on the 15th of March 1781 he the said James Franklin who was then a Captain in the army under Gen'l Nathaniel Green, at the Battle of Guilford in North Carolina, that the said James Franklin [several illegible words] in command of a Company of Continental soldiers. He believes that at that time, the said Franklin was a supernumerary officer and that he [several illegible words] the next day after the battle he [several illegible words] of Col John Green [BLWt866-500], who he believes belonged to the [undeciphered word] Va Reg't. He has never seen or known any thing of the said Capt Franklin since, and he never knew any other officer in the Revolutionary army of the same name or of the name of Franklin.

Given under my hand this 27th[?] day of sept. 1832.

Wm. Young

Thursday morning Decem 13th 1832

Sir/ On behalf of the heirs of some officers of the Revolution I have heretofore filed with the Executive department application for bounty land, one of those applications was put on file the last of July or the first part of August last, but has not yet been acted upon viz the application of the heirs of Capt Franklin. I am now in the city and desirous that your department would give that claim as well as the claim of Cornet Teas [William Teas W1663] and Leut Powell [William Powell VAS257] your attention. It is of much consequence to the claimants that the two first should be decided without delay; as the parties are advised that in right of the services of their ancestor they are entitled to commutation pay from the Gen'l Government, and I am now on my way to Washington city (Congress being in session) to [undeciphered word] there, and it would be satisfactory to know there, the estimate which our State authorities would

place upon the claims. When in this place in August last I was informed by the acting Gove'r that a rule had been prescribed to register all such applications and take them up for action, in order in which they were filed That rule at the time it was agreed upon was founded in great propriety, as the appropriation to meet the Va. Military land warrants, was not exhausted, but it is now known that, that appropriation has fallen far short of the claims upon it, there now being a file in Washington, claims to a much larger amount, so that no injury can result to any body by taking up cases out of the rule before referred to inasmuch as Congress have yet to enact a law granting another appropriation to meet, many Warrants already issued and consequently all that may issue in future. It is a rule at all the departments in Washington and founded in much justice, that where there is a personal application it then, on [undeciphered word], such application, take precedence of those made by letter. your Excellency will perceive the inconvenience and injury awaiting the issue. I hope that these considerations will induce you to take up the above cases to day. With much respect I remain Respectfully yr obt s't

John Thompson Jr

To His Excellency John Floyd Gov. of Va

In this case the executive are respectfully referred to the declaration of Thomas Jones, filed in the case of the application of Wm Powells heirs. That declaration shews a probable reason why Capt. Franklin should have remained supernumerary from the Spring of 1780 until the Guilford expedition in Carolina at which time he unquestionably must still have been in commission, because the record already before them shews that he bore no command in the militia of the County until the year 1785 & he certainly marched a company on the Guilford expedition in full dress of regular regimentals & Smith Thompson states positively that he was there attached to a regular Regt on continental establishment a volunteer captain & a supernumerary & Gnl Stevens that he saw him there a volunteer captain. That he was not in commission as a militia officer from Amherst, the certificate of the court before referred to positively proves, because at that day the militia officers by law had to qualify to their commissions in court and not as nor [undeciphered word] in court or before a magistrate – but if it had been then as now, still the qualified must have been returned to court & the record would have shewn it. It is believed that this new testimony will abundantly authorize a granting of the land bounty for during the War. If it be necessary to shew the credibility of the witnesses any further than is already done it can be done, but the character of Smith Thompson is certified by the court of [undeciphered word] in the case of Powells heirs, but can be established by the oaths of the most distinguished men of his neighborhood. J. Thompson Jr for Franklin heirs

NOTES:

Further details of James Franklin's service may be found at revwarapps.org by searching for the phrase "James Franklin."

James Franklin is not on the lists of supernumerary officers (<http://revwarapps.org/b86.pdf>, <http://revwarapps.org/b183.pdf>). The following pension applicants stated that James Franklin resigned his commission as Captain in 1777: James Dillard W7019, James Simmons S39071, Joseph Thomas W6277, and William Johnson S1226. Dillard stated that Franklin resigned in 1777. William Aaron W10287, however, stated that "it was reported... that his Captain (Franklin) had been cashiered," and in the same pension application Moses Wright (S39923) stated that "Capt. James Franklin... was discharged from the service."

Henry Cashwell S9153 stated that on a militia tour "in February 1781 he was marched under the command of Captain John Franklin... to join General Greens Army, but did not effect a junction until the day after the battle of Guilford though he was within about ten miles of Guilford during the battle and heard the report of the cannon, and he thinks they might have reached there in time to have participated in that battle if they had pressed on with becoming alacrity." William Cashwell W3771 similarly stated that he "marched under the command of Capt James Franklin [but] did not... reach Greens Army before the battle of Guilford, though he was in a few miles and heard the cannon during that engagement, and thinks if his officer had pressed on they might have reached there in time to have borne a part in that engagement.

On the day after this battle the company to which he belonged joined the main Army and his Captain James Franklin resigning his commission and returning home he together with the whole company was placed under the command of Capt. Younger Landrum.”

It is doubtful that Franklin served in the Virginia or Continental line for a total of three years, as required to qualify for bounty land from Virginia. His service as a militia captain would not have counted.